



Luann G. Welmer, Clerk-Treasurer

**CITY COUNCIL MEETING
CITY HALL
TUESDAY, MARCH 5, 2013
6:00 O'CLOCK P.M.**

I. Meeting Called to Order

- A. Opening Prayer
- B. Pledge of Allegiance
- C. Roll Call
- D. Acceptance of Minutes

II. Unfinished Business Requiring Council Action

- A. Second Reading of an Ordinance entitled "ORDINANCE NO. _____, 2013, AN ORDINANCE PROVIDING FOR THE ADDITIONAL APPROPRIATION OF FUNDS FOR THE BUDGET YEAR 2013." (Motor Vehicle Highway) Jeff Logston.

III. New Business Requiring Council Action

- A. Reading of a Resolution entitled "RESOLUTION NO. _____, 2013, RESOLUTION APPROVING A DEDUCTION FOR TAX ABATEMENT IN A PREVIOUSLY DESIGNATED ECONOMIC REVITALIZATION AREA PURSUANT TO INDIANA CODE 6-1.1-12.1, ET. SEQ. AND AUTHORIZING THE MAYOR TO EXECUTE THE STATEMENT OF BENEFITS FORM." (Nagakura Engineering Works Co., Inc.) Chris Schilling.
- B. Reading of a Resolution entitled "RESOLUTION NO. _____, 2013, RESOLUTION APPROVING A DEDUCTION FOR TAX ABATEMENT IN A PREVIOUSLY DESIGNATED ECONOMIC REVITALIZATION AREA PURSUANT TO INDIANA CODE 6-1.1-12.1, ET. SEQ. AND AUTHORIZING THE MAYOR TO EXECUTE THE STATEMENT OF BENEFITS FORM." (Quality Machine and Tool Works, Inc.) Chris Schilling.

- C. Reading of a Resolution entitled “RESOLUTION NO._____, 2013, RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA AUTHORIZING THE INTERLOCAL AGREEMENT BETWEEN THE CITIES OF LAWRENCEBURG AND COLUMBUS REGARDING THE CITY OF LAWRENCEBURG ECONOMIC DEVELOPMENT GRANT.” Kelly Benjamin.
- D. First Reading of an Ordinance entitled “ORDINANCE NO._____, 2013, AN ORDINANCE EFFECTIVELY AMENDING THE OFFICIAL ZONING MAP OF COLUMBUS, INDIANA AND REZONING THE SUBJECT PROPERTY BY AMENDING THE ZONING COMMITMENTS AT A LOCATION DESIGNATED AS “CCc” (COMMERCIAL: COMMUNITY CENTER WITH COMMITMENTS).” (Casey’s Rezoning). Jeff Bergman.
- E. First Reading of an Ordinance entitled “ORDINANCE NO._____, 2013, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF COLUMBUS, INDIANA, REZONING THE SUBJECT PROPERTY FROM “RS4” (RESIDENTIAL: SINGLE-FAMILY) TO “RMc” (RESIDENTIAL: MULTI-FAMILY WITH COMMITMENTS).” (Monarch Crossing Rezoning). Jeff Bergman.
- F. First Reading of an Ordinance entitled “ORDINANCE NO._____, 2013, AN ORDINANCE VACATING PUBLIC RIGHT-OF-WAY.” (Prestwick Square of Columbus Vacation Plan). Jeff Bergman.
- G. First Reading of an Ordinance entitled “ORDINANCE NO._____, 2013, AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, AMENDING CHAPTER 9 OF THE COLUMBUS CITY CODE TO ADD SECTION 9.34, ETHICS ORDINANCE.” Kelly Benjamin.

IV. Other Business

- A. Standing Committee and Liaison Reports
- B. Discussion Items:
 - 1.) Code of Conduct Resolution – Kelly Benjamin
 - 2.) Property Maintenance Ordinances - Kelly Benjamin
- C. Next regular meeting is scheduled for **Tuesday, March 19, 2013 at 6:00 o’clock P.M. in City Hall.**
- D. Adjournment.

ORDINANCE NO. __, 2013

**AN ORDINANCE PROVIDING FOR THE ADDITIONAL APPROPRIATION
OF FUNDS FOR THE BUDGET YEAR 2013**

WHEREAS, the Indiana General Assembly has adopted a policy to grant local units of government all powers that they need for the effective operation of government as to local affairs through Indiana Code 36-1-3-2; and

WHEREAS, it is desire of the Mayor to address the City's need for the purchase of additional salt for treatment of the roads during winter weather conditions; and

WHEREAS, it is necessary to appropriate additional funds from the Motor Vehicle Highway Fund in the amount of \$125,000.00 for the purchase of additional salt for treatment of the roads during winter weather conditions; and

WHEREAS, there are additional funds in the amount of \$125,000.00 available for these purposes and these funds must be appropriated for these purposes before they can be spent.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, that the funds in the amount of One Hundred Twenty-Five Thousand Dollars (\$125,000.00) shall be paid during the 2013 budget year and the same is hereby appropriated and ordered to be paid from the Motor Vehicle Highway Fund for the City of Columbus, Indiana and for the purpose of purchasing additional salt for treatment of the roads during winter weather conditions.

BE IT FURTHER ORDAINED, that the above additional appropriations shall be effective as of the date of adoption of this Ordinance.

BE IT FURTHER ORDAINED, that the Clerk Treasurer and the Mayor be and are hereby authorized and empowered and directed to take any and all further actions necessary to effect this additional appropriation.

ADOPTED, by the Common Council of the City of Columbus, Indiana, this ____ day of _____, 2013 at _____ o'clock P.M. by a vote of ____ ayes and ____ nays.

Presiding Officer

ATTEST:

Luann Welmer
Clerk Treasurer, City of Columbus, Indiana

Presented to me, the Mayor of Columbus, Indiana, the _____ day of _____, 2013 at
_____ o'clock P.M.

Kristen Brown
Mayor, City of Columbus, Indiana

RESOLUTION NO. ____, 2013

RESOLUTION APPROVING A DEDUCTION FOR TAX ABATEMENT
IN A PREVIOUSLY DESIGNATED ECONOMIC REVITALIZATION AREA
PURSUANT TO INDIANA CODE 6-1.1-12.1, *ET. SEQ.*
AND AUTHORIZING THE MAYOR TO EXECUTE
THE STATEMENT OF BENEFITS FORM

Nagakura Engineering Works Co., Inc.

WHEREAS, INDIANA CODE 6-1.1-12.1 allows for a partial abatement of property taxes attributable to the installation of new personal property in an Economic Revitalization Area (ERA); and

WHEREAS, the Common Council of the City of Columbus, Indiana, has designated certain real estate within the City of Columbus, Indiana as an Economic Revitalization Area (ERA) as contemplated and defined pursuant to INDIANA CODE 6-1.1-12.1-1, *et. seq.*, by the adoption of Resolution 12-1984 by the Common Council on December 18, 1984, which remains in full force and effect; and

WHEREAS, INDIANA CODE 6-1.1-12.1, *et seq.* provides that the Common Council of the City of Columbus, Indiana, approve a Statement of Benefits form associated with an application requesting a tax abatement for personal property in an area previously designated as an ERA; and

WHEREAS, Nagakura Engineering Works Co., Inc. filed an Application, Agreement of Cooperation, and a Statement of Benefits form dated January 3, 2013, requesting the approval of a ten (10) year personal property tax deduction pursuant to INDIANA CODE 6-1.1-12.1 *et. seq.*, for the purpose of installing new manufacturing equipment at a facility located at 630 S. Mapleton Street, Columbus, Indiana (said Statement of Benefits form is attached hereto and incorporated herein as **Exhibit A**); and

WHEREAS, pursuant to INDIANA CODE 6-1.1-12.1- 4.5, *et. seq.*, a deduction allowed for the installation of new manufacturing equipment:

1. Shall be either five (5) or ten (10) years in an economic revitalization area designated before July 1, 2000; or
2. Shall be determined by the designating body, but the deduction shall not exceed ten (10) years in an economic revitalization area designated after June 30, 2000; and

WHEREAS, the Common Council of the City of Columbus, Indiana, deems it to be in the best interest of the City of Columbus, Indiana, in order to stimulate economic development and provide for additional or retained jobs, that such personal property tax abatement be granted.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Columbus, Indiana, after reviewing the Statement of Benefits form and Application submitted by **Nagakura Engineering Works Co., Inc.** and after hearing the recommendation of the Incentive Review Committee, that:

1. The application of **Nagakura Engineering Works Co., Inc.** meets the requirements for filing of a tax abatement.
2. The Common Council makes the following findings:
 - a. The estimated cost of the installation of new manufacturing equipment is reasonable for this type of project and equipment; and
 - b. The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed installation of new manufacturing equipment; and
 - c. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed installation of new manufacturing equipment; and
 - d. Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed installation of new manufacturing equipment; and
 - e. The totality of benefits is sufficient to justify the deduction.
3. **Nagakura Engineering Works Co., Inc.**'s project represents a major capital investment into the improvement of personal property, and compliments the initiatives of the City of Columbus for economic development.
4. The deduction allowed for personal property pursuant to INDIANA CODE 6-1.1-12.1- 4.5, *et. seq.* shall be allowed for _____ years;
5. The Mayor of the City of Columbus, Indiana, is hereby authorized by the Common Council of the City of Columbus, Indiana, to execute the Statement of Benefits form attached hereto as **Exhibit A** for purposes of facilitating the personal property tax abatement of **Nagakura Engineering Works Co., Inc.**

ADOPTED BY THE COMMON COUNCIL OF COLUMBUS, INDIANA, on this ____ day of March 2013, by a vote of ____ ayes and ____ nays.

Presiding Officer of the
Common Council

ATTEST:

Clerk of the Common Council

Presented by me to the Mayor of Columbus, Indiana, this ____ day
of March 2013 at ____ o'clock ____ .M.

Clerk-Treasurer

Approved and signed by me this ____ day of March 2013, at
____ o'clock ____ .M.

Mayor of the City of
Columbus, Indiana



STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51764 (R2 / 12-11)

Prescribed by the Department of Local Government Finance

EXHIBIT A

FORM SB-1 / PP

PRIVACY NOTICE

The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d).

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
2. Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to installation of the new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment, **BEFORE** a deduction may be approved
3. To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved after June 30, 1991, must submit Form CF-1 / PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
5. The schedules established under IC 6-1.1-12.1-4.5(d) and (e) apply to equipment installed after March 1, 2001, unless an alternative deduction schedule is adopted by the designating body (IC 6-1.1-12.1-17).

SECTION 1		TAXPAYER INFORMATION							
Name of taxpayer Nagakura Engineering Works C., Inc.									
Address of taxpayer (number and street, city, state, and ZIP code) 630 S. Mapleton Street, Columbus, Indiana 47201									
Name of contact person Shigeo Misuda/Sharon Sharp/Kay Lord				Telephone number (812) 375-1382					
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT							
Name of designating body COMMON COUNCIL OF THE CITY OF COLUMBUS				Resolution number (s)					
Location of property 630 South Mapleton Street, Columbus, Indiana 47201		County Bartholomew		DLGF taxing district number					
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (use additional sheets if necessary) See Attached				ESTIMATED					
				START DATE		COMPLETION DATE			
				Manufacturing Equipment		03/08/2013		03/31/2013	
				R & D Equipment					
				Logist Dist Equipment					
IT Equipment									
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT							
Current number 164	Salaries 3,086,356.80	Number retained 164	Salaries 3,086,356.80	Number additional 6	Salaries 159,120.00				
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT							
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT		
	COST		COST		COST		COST		
	ASSESSED VALUE		ASSESSED VALUE		ASSESSED VALUE		ASSESSED VALUE		
	Current values								
	Plus estimated values of proposed project								
Less values of any property being replaced									
Net estimated values upon completion of project									
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER							
Estimated solid waste converted (pounds)		Estimated hazardous waste converted (pounds)							
Other benefits: We recycle.									
SECTION 6		TAXPAYER CERTIFICATION							
I hereby certify that the representations in this statement are true.									
Signature of authorized representative 		Title General Manager		Date signed (month, day, year) 01/02/2013					

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1.1-12.1-2.5, provides for the following limitations as authorized under IC 6-1.1-12.1-2.

A. The designated area has been limited to a period of time not to exceed _____ calendar years * (see below). The date this designation expires is _____.

B. The type of deduction that is allowed in the designated area is limited to:

- | | |
|--|--|
| 1. Installation of new manufacturing equipment; | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Installation of new research and development equipment; | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Installation of new logistical distribution equipment. | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 4. Installation of new information technology equipment; | <input type="checkbox"/> Yes <input type="checkbox"/> No |

C. The amount of deduction applicable to new manufacturing equipment is limited to \$ _____ cost with an assessed value of \$ _____.

D. The amount of deduction applicable to new research and development equipment is limited to \$ _____ cost with an assessed value of \$ _____.

E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ _____ cost with an assessed value of \$ _____.

F. The amount of deduction applicable to new information technology equipment is limited to \$ _____ cost with an assessed value of \$ _____.

G. Other limitations or conditions (specify) _____

H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction on or after July 1, 2000, is allowed for:

- | | |
|-------------------------------------|--------------------------------------|
| <input type="checkbox"/> 1 year | <input type="checkbox"/> 6 years |
| <input type="checkbox"/> 2 years | <input type="checkbox"/> 7 years |
| <input type="checkbox"/> 3 years | <input type="checkbox"/> 8 years |
| <input type="checkbox"/> 4 years | <input type="checkbox"/> 9 years |
| <input type="checkbox"/> 5 years ** | <input type="checkbox"/> 10 years ** |

** For ERA's established prior to July 1, 2000, only a 5 or 10 year schedule may be deducted.

I. Did the designating body adopt an alternative deduction schedule per IC 6-1.1-12.1-17? ☐ Yes ☐ No
If yes, attach a copy of the alternative deduction schedule to this form.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved: (signature and title of authorized member)	Telephone number ()	Date signed (month, day, year)
Attested by:	Designated body	

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1.1-12.1-4.5

EXHIBIT B

AGREEMENT of COOPERATION

We, the undersigned, agree to participate and cooperate with the City of Columbus, Indiana and/or its designated agencies and the Common Council of the City of Columbus for purposes of an annual review, required by Indiana Law as it relates to economic revitalization area or economic development target area designation and tax abatement issues.

Nagakura Engineering Works Co., Inc

(Company Name)

DATE: Jan 3rd 2013

[Signature]

General Manager

STATE OF INDIANA
COUNTY OF BARTHOLOMEW

SS:

Before me, a Notary Public, in and for said County and State, personally appeared

Shigeo Misuda

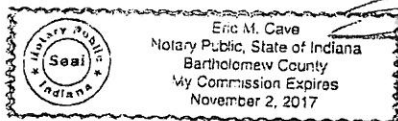
, the

General Manager of Nagakura Engineering Works Co., Inc who

acknowledged execution of the foregoing Agreement for and on behalf of Nagakura Engineering Works Co., Inc. and who, having been duly sworn, stated that the representations therein contained are true,

Witness my hand and Notarial Seal on this, the 3rd day of, January, 2012

My Commission Expires:
11/02/17



[Signature]
Signature: Notary Public

Eric M. Cave
(Printed)

County of Residence:

Bartholomew

HONDA

NEW-IN

Collar Line #2					
OP#	Process	Name	Mfg.	Unit (\$)	Arrive
2	CNC Grinder	JTEKT GL4A-32SIII	JTEKT	\$	3/8/2013
3	CNC Grinder	JTEKT GL4A-32SIII	JTEKT	\$	3/8/2013
Washer Line #2					
OP#	Process	Name	Mfg.	Unit (\$)	Arrive
3	CNC Grinder	JTEKT GL4A-32SIII	JTEKT	\$	3/8/2013

RESOLUTION NO. ____, 2013

RESOLUTION APPROVING A DEDUCTION FOR TAX ABATEMENT
IN A PREVIOUSLY DESIGNATED ECONOMIC REVITALIZATION AREA
PURSUANT TO INDIANA CODE 6-1.1-12.1, *ET. SEQ.*
AND AUTHORIZING THE MAYOR TO EXECUTE
THE STATEMENT OF BENEFITS FORM

Quality Machine and Tool Works, Inc.

WHEREAS, INDIANA CODE 6-1.1-12.1 allows for a partial abatement of property taxes attributable to the installation of new personal property in an Economic Revitalization Area (ERA); and

WHEREAS, the Common Council of the City of Columbus, Indiana, has designated certain real estate within the City of Columbus, Indiana as an Economic Revitalization Area (ERA) as contemplated and defined pursuant to INDIANA CODE 6-1.1-12.1-1, *et. seq.*, by the adoption of Resolution 12-1984 by the Common Council on December 18, 1984 and as amended by Resolution 46-1994 on November 1, 1994, which remain in full force and effect; and

WHEREAS, INDIANA CODE 6-1.1-12.1, *et seq.* provides that the Common Council of the City of Columbus, Indiana, approve a Statement of Benefits form associated with an application requesting a tax abatement for personal property in an area previously designated as an ERA; and

WHEREAS, Quality Machine and Tool Works, Inc. filed an Application, Agreement of Cooperation, and a Statement of Benefits form dated February 19, 2013, requesting the approval of a ten (10) year personal property tax deduction pursuant to INDIANA CODE 6-1.1-12.1 *et. seq.*, for the purpose of installing new manufacturing equipment, at a facility located at 1201 Michigan Avenue, Columbus, Indiana (said Statement of Benefits form is attached hereto and incorporated herein as **Exhibit A**); and

WHEREAS, pursuant to INDIANA CODE 6-1.1-12.1- 4.5, *et. seq.*, a deduction allowed for the installation of new manufacturing equipment:

1. Shall be either five (5) or ten (10) years in an economic revitalization area designated before July 1, 2000; or
2. Shall be determined by the designating body, but the deduction shall not exceed ten (10) years in an economic revitalization area designated after June 30, 2000; and

WHEREAS, the Common Council of the City of Columbus, Indiana, deems it to be in the best interest of the City of Columbus, Indiana, in order to stimulate economic development and provide for additional or retained jobs, that such personal property tax abatement be granted.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Columbus, Indiana, after reviewing the Statement of Benefits form and Application submitted by **Quality Machine and Tool Works, Inc.** and after hearing the recommendation of the Incentive Review Committee, that:

1. The application of **Quality Machine and Tool Works, Inc.** meets the requirements for filing of a tax abatement.
2. The Common Council makes the following findings:
 - a. The estimated cost of the installation of new manufacturing equipment is reasonable for this type of project and equipment; and
 - b. The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed installation of new manufacturing equipment; and
 - c. The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed installation of new manufacturing equipment; and
 - d. Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed installation of new manufacturing equipment; and
 - e. The totality of benefits is sufficient to justify the deduction.
3. **Quality Machine and Tool Works, Inc.'s** project represents a major capital investment into the improvement of personal property, and compliments the initiatives of the City of Columbus for economic development.
4. The deduction allowed for personal property pursuant to INDIANA CODE 6-1.1-12.1- 4.5, *et. seq.* shall be allowed for _____ years;
5. The Mayor of the City of Columbus, Indiana, is hereby authorized by the Common Council of the City of Columbus, Indiana, to execute the Statement of Benefits form attached hereto as **Exhibit A** for purposes of facilitating the personal property tax abatement of **Quality Machine and Tool Works, Inc.**

ADOPTED BY THE COMMON COUNCIL OF COLUMBUS, INDIANA, on this ____ day of
March 2013, by a vote of ____ ayes and ____ nays.

Presiding Officer of the
Common Council

ATTEST:

Clerk of the Common Council

Presented by me to the Mayor of Columbus, Indiana, this ____ day
of March 2013 at ____ o'clock ____ .M.

Clerk-Treasurer

Approved and signed by me this ____ day of March 2013, at
____ o'clock ____ .M.

Mayor of the City of
Columbus, Indiana



STATEMENT OF BENEFITS PERSONAL PROPERTY

State Form 51764 (R2 / 12-11)

Prescribed by the Department of Local Government Finance

FORM SB-1 / PP

PRIVACY NOTICE

The cost and any specific individual's salary information is confidential; the balance of the filing is public record per IC 6-1.1-12.1-5.1 (c) and (d).

INSTRUCTIONS:

1. This statement must be submitted to the body designating the Economic Revitalization Area prior to the public hearing if the designating body requires information from the applicant in making its decision about whether to designate an Economic Revitalization Area. Otherwise this statement must be submitted to the designating body **BEFORE** a person installs the new manufacturing equipment and/or research and development equipment, and/or logistical distribution equipment and/or information technology equipment for which the person wishes to claim a deduction. "Projects" planned or committed to after July 1, 1987, and areas designated after July 1, 1987, require a STATEMENT OF BENEFITS. (IC 6-1.1-12.1)
2. Approval of the designating body (City Council, Town Board, County Council, etc.) must be obtained prior to installation of the new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment, **BEFORE** a deduction may be approved
3. To obtain a deduction, a person must file a certified deduction schedule with the person's personal property return on a certified deduction schedule (Form 103-ERA) with the township assessor of the township where the property is situated or with the county assessor if there is no township assessor for the township. The 103-ERA must be filed between March 1 and May 15 of the assessment year in which new manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment is installed and fully functional, unless a filing extension has been obtained. A person who obtains a filing extension must file the form between March 1 and the extended due date of that year.
4. Property owners whose Statement of Benefits was approved after June 30, 1991, must submit Form CF-1 / PP annually to show compliance with the Statement of Benefits. (IC 6-1.1-12.1-5.6)
5. The schedules established under IC 6-1.1-12.1-4.5(d) and (e) apply to equipment installed after March 1, 2001, unless an alternative deduction schedule is adopted by the designating body (IC 6-1.1-12.1-17).

SECTION 1		TAXPAYER INFORMATION						
Name of taxpayer Quality Machine and Tool Works, Inc.								
Address of taxpayer (number and street, city, state, and ZIP code) 1201 Michigan Avenue Columbus, IN 47201								
Name of contact person				Telephone number (812) 379-2660				
SECTION 2		LOCATION AND DESCRIPTION OF PROPOSED PROJECT						
Name of designating body Quality Machine and Tool Works, Inc.				Resolution number (s)				
Location of property 1201 Michigan Avenue Columbus, IN 47201		County Bartholomew		DLGF taxing district number				
Description of manufacturing equipment and/or research and development equipment and/or logistical distribution equipment and/or information technology equipment. (use additional sheets if necessary) See Attached				ESTIMATED				
				START DATE		COMPLETION DATE		
				Manufacturing Equipment		12/31/2012 04/30/2013		
				R & D Equipment				
				Logist Dist Equipment				
IT Equipment								
SECTION 3		ESTIMATE OF EMPLOYEES AND SALARIES AS RESULT OF PROPOSED PROJECT						
Current number 54	Salaries 2,485,478.00	Number retained 51	Salaries 2,485,478.00	Number additional 7	Salaries 210,000.00			
SECTION 4		ESTIMATED TOTAL COST AND VALUE OF PROPOSED PROJECT						
NOTE: Pursuant to IC 6-1.1-12.1-5.1 (d) (2) the COST of the property is confidential.	MANUFACTURING EQUIPMENT		R & D EQUIPMENT		LOGIST DIST EQUIPMENT		IT EQUIPMENT	
	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE	COST	ASSESSED VALUE
Current values								
Plus estimated values of proposed project								
Less values of any property being replaced								
Net estimated values upon completion of project								
SECTION 5		WASTE CONVERTED AND OTHER BENEFITS PROMISED BY THE TAXPAYER						
Estimated solid waste converted (pounds)		Estimated hazardous waste converted (pounds)						
Other benefits:								
SECTION 6		TAXPAYER CERTIFICATION						
I hereby certify that the representations in this statement are true.								
Signature of authorized representative [Signature]		Title PRESIDENT		Date signed (month, day, year) 2/19/13				

FOR USE OF THE DESIGNATING BODY

We have reviewed our prior actions relating to the designation of this economic revitalization area and find that the applicant meets the general standards adopted in the resolution previously approved by this body. Said resolution, passed under IC 6-1-1-12-1-2-5, provides for the following limitations as authorized under IC 6-1-1-12-1-2:

- A. The designated area has been limited to a period of time not to exceed _____ calendar years.* (see below). The date this designation expires is _____.
- B. The type of deduction that is allowed in the designated area is limited to:
- | | |
|--|--|
| 1. Installation of new manufacturing equipment; | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Installation of new research and development equipment; | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Installation of new logistical distribution equipment; | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 4. Installation of new information technology equipment; | <input type="checkbox"/> Yes <input type="checkbox"/> No |
- C. The amount of deduction applicable to new manufacturing equipment is limited to \$ _____ cost with an assessed value of \$ _____.
- D. The amount of deduction applicable to new research and development equipment is limited to \$ _____ cost with an assessed value of \$ _____.
- E. The amount of deduction applicable to new logistical distribution equipment is limited to \$ _____ cost with an assessed value of \$ _____.
- F. The amount of deduction applicable to new information technology equipment is limited to \$ _____ cost with an assessed value of \$ _____.
- G. Other limitations or conditions (specify) _____.
- H. The deduction for new manufacturing equipment and/or new research and development equipment and/or new logistical distribution equipment and/or new information technology equipment installed and first claimed eligible for deduction on or after July 1, 2000, is allowed for:
- | | | |
|-------------------------------------|--------------------------------------|--|
| <input type="checkbox"/> 1 year | <input type="checkbox"/> 6 years | ** For ERA's established prior to July 1, 2000, <u>only</u> a 5 or 10 year schedule may be deducted. |
| <input type="checkbox"/> 2 years | <input type="checkbox"/> 7 years | |
| <input type="checkbox"/> 3 years | <input type="checkbox"/> 8 years | |
| <input type="checkbox"/> 4 years | <input type="checkbox"/> 9 years | |
| <input type="checkbox"/> 5 years ** | <input type="checkbox"/> 10 years ** | |
- I. Did the designating body adopt an alternative deduction schedule per IC 6-1-1-12-1-17? ☐ Yes ☐ No
If yes, attach a copy of the alternative deduction schedule to this form.

Also we have reviewed the information contained in the statement of benefits and find that the estimates and expectations are reasonable and have determined that the totality of benefits is sufficient to justify the deduction described above.

Approved (signature and title of authorized member)	Telephone number ()	Date signed (month, day, year)
Attested by	Designated body	

* If the designating body limits the time period during which an area is an economic revitalization area, it does not limit the length of time a taxpayer is entitled to receive a deduction to a number of years designated under IC 6-1-1-12-1-4-5.

E 4.6 + '13'

AGREEMENT of COOPERATION

We, the undersigned, agree to participate and cooperate with the City of Columbus, Indiana and/or its designated agencies and the Common Council of the City of Columbus for purposes of an annual review, required by Indiana Law as it relates to economic revitalization area or economic development target area designation and tax abatement issues.

DATE: 2-19-13

Quality Machine Tool Works
(Company Name)

Patrick C. Harrell
President

Bill Mullin
, Secretary

STATE OF Indiana SS.
COUNTY OF Barthelme

Before me, a Notary Public, in and for said County and State, personally appeared Patrick C. Harrell and Bill Mullin, the President and Secretary respectively of Quality Machine Tool Works, who acknowledged execution of the foregoing Agreement for and on behalf of Quality Machine Tool Works, Inc. and who, having been duly sworn, stated that the representations therein contained are true,

Witness my hand and Notarial Seal on this, the 19th day of Feb., 20 13

My Commission Expires:

April 8, 2016

Stacey J. Keiser
Signature: Notary Public

STACEY J KEISER
(Printed)

County of Residence:

Barthelme

EQUIPMENT LIST

<u>Property #</u>	<u>Machine Model</u>	<u>Cost</u>
#1696	DMC DL80 V	\$
#1697	DMC DL80 V	\$
#1698	DMC DM52 VL	\$
#1699	DMC DL80 V	\$
#1700	DMC DL80 V	\$
Material Handling System for above		<u>\$</u>
Grand Total		\$

Four (4) Verticle Lathes and One (1) Verticle Machining Center

RESOLUTION NO. ____-2013

**RESOLUTION OF THE COMMON COUNCIL OF
THE CITY OF COLUMBUS, INDIANA
AUTHORIZING THE INTERLOCAL AGREEMENT BETWEEN
THE CITIES OF LAWRENCEBURG AND COLUMBUS
REGARDING THE CITY OF LAWRENCEBURG
ECONOMIC DEVELOPMENT GRANT**

WHEREAS, the City of Columbus, Indiana recognizes the need to stimulate growth and to maintain a sound economy within its corporate limits; and

WHEREAS, the City of Columbus has received notification from the City of Lawrenceburg, Indiana, of a grant from their Economic Development Grant Program of up to \$124,300.00 to the City of Columbus for the sole purpose of providing needed resources for public infrastructure improvements to CR 300 West to accommodate the Browning Investment/Phoenix Group Project at Woodside Northwest Industrial Park as described in a Regional Economic Grant Program Application submitted to the City of Lawrenceburg in November 2012 and approved on January 16, 2013; and

WHEREAS, The City of Lawrenceburg requests and requires, in order for this specific grant to be awarded, that the City of Columbus Commons Council sign a Resolution authorizing the City of Columbus Board of Works to sign an Interlocal Agreement between the City of Lawrenceburg and the City of Columbus, Indiana; and

WHEREAS, the Commons Council for the City of Columbus accepts the grant, it's requirements, and commits to the use of funds as requested from the City of Lawrenceburg Economic Development Grant Program, which will be used for public infrastructure improvements to CR 300 West to accommodate the Browning Investment/Phoenix Group Project at Woodside Northwest Industrial Park as described in a Regional Economic Grant Program Application submitted to the City of Lawrenceburg in November 2012 and approved on January 16, 2013.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Columbus, Indiana, that:

1. The Mayor of Columbus and the City of Columbus Board of Public Works and Safety are authorized to enter into an Interlocal Agreement pursuant to Indiana Code 36-1-7-3, between the City of Lawrenceburg and the City of Columbus, Indiana; and
2. Pursuant to Indiana Code 36-1-7-6, said Interlocal Agreement shall be recorded with the Bartholomew County Recorder before it takes effect, and the Interlocal Agreement shall be filed with the State Board of Accounts within sixty (60) days after it takes effect, for audit purposes; and
3. The City of Columbus, including all applicable Boards, Commissions, and staff members, are authorized to execute and administer resultant grant contracts, including requisite general administration and project management contracts and agreements.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA this ____ day
March, 2013, at ____ o'clock P.M.

Mayor Kristen Brown, Chairperson

ATTEST:

Luann Welmer, Clerk-Treasurer
City of Columbus, Indiana

CERTIFICATE

The undersigned duly qualified and acting Clerk-Treasurer, of the City of Columbus, Indiana certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting of the Common Council of the City of Columbus, Indiana held on March 5, 2013.

SEAL

Luann Welmer, Clerk-Treasurer
City of Columbus, Indiana

**INTERLOCAL AGREEMENT
BETWEEN THE CITY OF LAWRENCEBURG
AND
THE CITY OF COLUMBUS, INDIANA**

This Interlocal Agreement (the "Agreement") is made this ____ day of _____, 2013 by and between the City of Lawrenceburg, Indiana (the "City"), and the City of Columbus, Indiana (the "Grantee"), both being political subdivisions of the State of Indiana and acting by and through their respective governing bodies, pursuant to Indiana Code 36-1-7.

WHEREAS, Indiana Code 36-1-7 authorizes the City and Grantee to enter into an interlocal agreement to exercise their respective statutory authority to further their governmental purposes on behalf of each other, including facilitating and supporting economic development projects; and

WHEREAS, the City desires to invest a portion of its gaming revenue in surrounding Indiana cities and counties; and

WHEREAS, the City desires for those funds to be invested in public projects that assist and improve the economic vitality of those counties in the State of Indiana overall; and

WHEREAS, the City has sufficient funds budgeted during the 2012 year to make up to Ten Million dollars (\$10,000,000) in Economic Development Grants as legally authorized by the City of Lawrenceburg Common Council; and

WHEREAS, the Grantee has submitted a grant application (the "Applicant").

THEREFORE, the City does hereby authorize a grant of One Hundred Twenty-Four Thousand Three Hundred dollars (\$124,300.00) to the Grantee for the sole purpose of providing needed resources for public infrastructure improvements of the Grantee/Applicant (the "Project"). The disbursement will occur upon execution of this Agreement by all parties and request by the Grantee.

The Grantee, its duly authorized executives and elected officials, herein agree that all funds offered and delivered by the City via this grant will be used for matters supported by the Grantee and which include improving infrastructure of the Grantee.

The Grantee, its duly authorized executives and elected officials, herein agree that none of the funds offered by the City will be used for executive salaries, promotional or marketing costs, legal, accounting, engineering or product development fees or expenses unrelated to the Project as determined by the Grantee. In addition, an award will not be used to pay any outstanding obligation of the Grantee not related to the Project.

The Grantee, its duly authorized executives and elected officials, herein agree to use these grant funds solely for the purpose described herein and on their original grant application and further agree to promptly return any unused funds and/or to repay the City an amount equal to any funds that are used for projects other than those agreed to herein. In addition, the officials of the Grantee receiving the grant agree to deliver to the City at least every three (3) months or less a complete accounting of the grant, its use, its current balance, and work yet to be completed. This report is to be verified under the signature of the Chief Executive or the top elected official of the Grantee.

It is further understood by all parties that the funds released toward the Project should be used after all matching funds are expended for the Project. The Grantee may request in writing a modification of this requirement and any agreement for modification will not be unreasonably withheld by the City.

Furthermore, upon completion of funding, the Grantee agrees to monitor the Project to ensure that the grant monies have been properly applied as indicated on the original application. Grantee shall report back to the City any major discrepancies.

It is further agreed that the grant is revocable and recoverable if any of the terms of the grant including the stated use of the grant offered herein or in the application are not closely followed.

Further, the Grantee acknowledges by its execution of this Agreement, the Grantee has done due diligence to confirm that the Grantee is financially sound and that the proposed Project is viable.

Given the above, the signatures affixed below indicate that the appropriate officials have the authority to enter into this Agreement and have passed the appropriate legislation to authorize their signing and entering into this Agreement.

IN WITNESS THEREOF, the parties hereto have signed their names below.

FOR THE CITY OF LAWRENCEBURG, INDIANA


Dennis R. Carr, Mayor

1-16-13
Date


STATE OF INDIANA)
) SS:
COUNTY OF DEARBORN)

Before me, a Notary Public in and for said County and State, personally appeared the City of Lawrenceburg, by its Mayor, Dennis Carr, who acknowledged execution of the foregoing and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notary Seal this 16 day of January, 2013.

My Commission Expires:

1/3/15


Notary Public
Residing in Dearborn County
Leslie L. Votaw
Printed

Attest:


Jackie Stutz, Clerk-Treasurer

FOR THE CITY OF COLUMBUS

Kristen Brown, Mayor

Date

STATE OF INDIANA

COUNTY OF BARTHOLOMEW

)
) **SS:**
)

Before me, a Notary Public in and for said County and State, personally appeared the the City of Columbus, by its Mayor, Kristen Brown, who acknowledged execution of the foregoing and who, having been duly sworn, stated that the representations therein contained are true.

Witness my hand and Notary Seal this _____ day of _____, 2013.

My Commission Expires:

Notary Public
Residing in Bartholomew County

Printed

Attest:

Luann Welmer, Clerk-Treasurer

Addresses for parties hereto:

City of Lawrenceburg
230 Walnut Street
Lawrenceburg, IN 47025

City of Columbus
123 Washington Street
Columbus, IN 47201

I affirm, under penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, as required by law.

Leslie L. Votaw, Attorney at Law

This instrument prepared by: Leslie L. Votaw, 60 E. High Street, Lawrenceburg, IN 47025.



MEMORANDUM

TO: Columbus City Council Members

FROM: Jeff Bergman, AICP
on behalf of the Columbus Plan Commission

DATE: February 26, 2013

RE: RZ-13-01 (*Casey's Rezoning*)

At its February 13, 2013 meeting, the Columbus Plan Commission reviewed the above referenced application and forwarded it to the City Council with a favorable recommendation by a vote of 7 in favor and 1 opposed.

Casey's Marketing Company is proposing to construct a gas station and convenience store on the former site of the Kennedy Mobile Home Park at the northeast corner of State Street and Gladstone Avenue. Casey's is requesting that two rezoning commitments made at the time the property was initially rezoned for commercial development in 2008 be removed from the property. Those two commitments are (1) any new use of the property, other than the existing mobile home park, shall be designed to specifically exclude any and all vehicle access from State Street and (2) all primary structures shall be pedestrian-oriented with the majority of parking spaces provided (not less than 75%) being located behind the structure(s). Casey's has indicated their belief that these commitments are too restrictive of potential development on the property and are unwarranted at this location.

The current owners of the property as well as a neighboring State Street business owner spoke at the Plan Commission meeting in favor of Casey's request to remove these commitments. They noted the need for new investment in the State Street area and perceived the commitments as potential barriers to that investment.

Please note that the original staff report indicates the staff's opposition to the removal of both commitments. Based on testimony at the Plan Commission meeting the staff recommendation was amended to support removal of the State Street access restrictions, but maintain the requirement for a pedestrian-oriented site design. The Plan Commission recommendation to the City Council is for both commitments to be removed.

The following items of information are attached to this memo for your consideration:

1. the proposed ordinance approving the rezoning,
2. the resolution certifying the action of the Plan Commission,
3. a copy of the original Planning Department staff report,
4. a location map, and
5. a site plan provided by the applicant.

Please feel free to contact me if you have any questions regarding this matter.

ORDINANCE NO.: _____, 2013

**AN ORDINANCE EFFECTIVELY AMENDING THE OFFICIAL ZONING MAP
OF COLUMBUS, INDIANA AND REZONING THE SUBJECT PROPERTY
BY AMENDING THE ZONING COMMITMENTS AT A LOCATION DESIGNATED AS
“CCc” (COMMERCIAL: COMMUNITY CENTER WITH COMMITMENTS)**

**To be known as the: Casey’s Rezoning
Plan Commission Case No.: RZ-13-01**

WHEREAS, this rezoning was requested by Casey’s Marketing Company and includes the consent of all owners of the subject property; and

WHEREAS, the Columbus Plan Commission did, on February 13, 2013, hold a legally advertised public hearing on said request and has certified a favorable recommendation to the Common Council; and

WHEREAS, the Common Council of the City of Columbus, Indiana has considered the criteria contained in Section 12.6(G) of the Columbus & Bartholomew County Zoning Ordinance.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Columbus, Indiana, as follows:

SECTION 1: Official Zoning Map

The “CCc” (Commercial: Community Center with commitments) zoning classification of the following described real estate, which is in the zoning jurisdiction of the City of Columbus, Indiana, shall be amended to exclude the conditions that “any new use of the property, other than the existing mobile home park, shall be designed to specifically exclude any and all vehicle access from State Street” and “all primary structures shall be pedestrian-oriented with the majority of parking spaces provided (not less than 75%) being located behind the structure(s)”.

A part of the Southwest quarter of section 29, township 9 North range 6 East situated in Columbus Township, Bartholomew County, Indiana and described as follows:

Commencing at the Northwest corner of said Southwest quarter thence Easterly along the North line of said quarter ± 23.3 feet to the point of beginning; thence continuing along said North line a distance of ± 470.7 feet to the West right of way of Kentucky Avenue; thence Southerly along said West right of way and also the West line of adjoining property as described in instrument number 2005-4690 in the office of the Bartholomew County Recorder a distance of ± 151.2 feet; thence Westerly along the North line of adjoining property as described in deed record 330, page 34 in the Office of the Bartholomew County Recorder a distance of ± 187.2 feet; thence Southwesterly along said adjoining property’s Northwest line a distance of ± 217.2 feet to the North right of way of State road #46 (State Street); thence Northwest along said right of way ± 190.2 feet to the East right of way of Gladstone Avenue; thence along said right of way Northerly a distance of ± 215.5 feet; thence along said right of way Northerly a distance of ± 28.2 feet to the point of beginning, containing 2.4 acres more or less and subject to all applicable easements and rights of way.

SECTION 2: Commitment(s)

No new commitments are attached to this rezoning.

SECTION 3: Repealer

All ordinances or parts thereof in conflict with this Ordinance shall be repealed to the extent of such conflict.

SECTION 4: Severability

If any provision, or the application of any provision, of this Ordinance is held unconstitutional or invalid the remainder of the Ordinance, or the application of such provision to other circumstances, shall be unaffected.

SECTION 5: Effective Date

This Ordinance shall be effective upon and after the date and time of its adoption, as provided in Indiana law.

ADOPTED, by the Common Council of the City of Columbus, Indiana, this _____ day of _____, 2013 at _____ o'clock _____.m., by a vote of _____ ayes and _____ nays.

Presiding Officer

ATTEST:

Luann Welmer
Clerk-Treasurer of the City of Columbus, Indiana

Presented to me, the Mayor of Columbus, Indiana, the _____ day of _____, 2013 at _____ o'clock _____.m.

Kristen S. Brown
Mayor of the City of Columbus, Indiana

RESOLUTION: RZ-13-01

of the City of Columbus, Indiana Plan Commission

regarding
Case number RZ-13-01
(Casey's Rezoning),
a proposal to amend the zoning conditions of +/-2.83 acres of property designated
as CCc (Commercial: Community Center with commitments),
effectively "rezoning" the property.

WHEREAS, the Plan Commission has received the application referenced above from Casey's Marketing Company; and

WHEREAS, the applicant(s) represent 100% of the property owners involved in the rezoning request, which meets the requirements of IC 36-7-4-602(c); and

WHEREAS, the Plan Commission did, on February 13, 2013, hold a public hearing consistent with the applicable requirements of Indiana law, the Columbus & Bartholomew County Zoning Ordinance, and the Plan Commission Rules of Procedure; and

WHEREAS, the Plan Commission did pay reasonable regard to the criteria contained in Section 12.6(G) of the Columbus & Bartholomew County Zoning Ordinance; and

WHEREAS, the Plan Commission recognizes that its action on this matter represents a recommendation to the Common Council of the City of Columbus, Indiana, which will be responsible for final action on the request.

NOW THEREFORE BE IT RESOLVED, by the Plan Commission of the City of Columbus, Indiana, as follows:

- 1) The amending of the rezoning commitments on the property subject to the application (approximately 2.83 acres located at the northeast corner of State Street and Gladstone Avenue) to omit the previous commitments that "any new use of the property, other than the existing mobile home park, shall be designed to specifically exclude any and all vehicle access from State Street" and "all primary structures shall be pedestrian-oriented with the majority of parking spaces provided (not less than 75%) being located behind the structure(s)" is forwarded to the Common Council with a favorable recommendation.
- 2) This resolution shall serve as the certification required for such ordinance amendments (re-zonings) by IC 36-7-4-605.

ADOPTED BY THE COLUMBUS, INDIANA PLAN COMMISSION THIS 13th DAY OF, FEBRUARY 2013 BY A VOTE OF 7 IN FAVOR AND 1 OPPOSED.

Roger Lang, President

ATTEST:

David L. Hayward, Secretary



STAFF REPORT

CITY OF COLUMBUS PLAN COMMISSION (February 13, 2013 Meeting)

Docket No. / Project Title: RZ-13-01: (Casey's Marketing Company)
Staff: Thom Weintraut
Applicant: Casey's Marketing Company
Property Size: 2.83 Acres
Current Zoning: CC (Commercial: Community Center with conditions)
Proposed Zoning: CC (Commercial: Community Center with revised conditions)
Location: 407 South Gladstone Avenue, in the City of Columbus

Background Summary:

The applicant has indicated that the proposed rezoning is for the purpose of rezoning a 2.39 acres parcel from CCc (Commercial: Community Center) with conditions to CCc (Commercial: Community Center) with revised conditions. The current conditions include the following: 1) restricted access from State Street for any uses other than existed mobile home park, 2) communications service exchange, utility substation, and water towers are not permitted uses, and 3) primary structures shall be pedestrian oriented and not less than 75% of the provided parking spaces shall be located behind the structure(s). The applicant wishes to remove the first and third conditions of the rezoning in order to construct a convenience store/gas station.

Key Issue Summary:

The following key issue(s) should be resolved through the consideration of this application:

1. Should access from State Street be allowed?
2. Should the pedestrian orientation and parking requirements be removed?

Preliminary Staff Recommendation:

Denial based on the following reasons:

- 1) Access to State Street should not be allowed. State Street is classified as a Principle Arterial Street and its function is to move vehicles and pedestrians along the corridor, rather than access to adjacent land uses. Traffic efficiency, and more important, vehicle and pedestrian safety are reduced as the number access points are increased along arterial streets. For safety and traffic efficiency, entrances to a property from an arterial street should be no less than 400 feet apart. The subject property is located at the intersection of 2 arterial streets, State Street which is a principle arterial and Gladstone Avenue, which is a minor arterial street, has approximately 200 feet of frontage along State Street and 250 feet of frontage along Gladstone Avenue. Zoning Ordinance Section 7.3(Part 1)(C)(3)(d) states a legal lot of record that cannot meet the separation standards set forth in the Zoning Ordinance Section 7.3(Part 1)(3)(a-c), then the access should be obtained from the frontage with the lowest Thoroughfare Plan Classification, Gladstone Avenue. The Comprehensive Plan also encourages the reduction of driveway access along arterial streets.
- 2) Pedestrian-orientation of building placement should be maintained. The Comprehensive Plan recognizes the character of area, East Columbus, as urban and encourages maintaining the relationship of buildings to the street. Areas with urban characteristics have a strong relationship to pedestrian activity. This site is located in an area with residential, commercial, institutional, and

industrial facilities nearby that would generate pedestrian traffic to the convenience store and quick food mart options provide by the proposed use.

Plan Commission Options:

In reviewing a request for rezoning the Plan Commission may (1) forward a favorable recommendation to the City Council, (2) forward an unfavorable recommendation to the City Council, (3) forward the application to City Council with no recommendation, or (4) continue the review to the next Plan Commission meeting. The Plan Commission may attach conditions to any recommendation which are to become written commitments of the applicant. The City Council makes all final decisions regarding rezoning applications.

Decision Criteria:

Indiana law and the Columbus Zoning Ordinance require that the Plan Commission and City Council pay reasonable regard to the following when considering a rezoning:

The Comprehensive Plan.

Preliminary Staff Comments: The Comprehensive Plan encourages infill developments and promotes a safe, efficient network of arterial and collector streets by reducing traffic conflicts on streets through driveway and intersection separation requirements. The Land Use Plan Element recognizes the development pattern in East Columbus traditionally placed building close to the streets. Encouraging the placement of buildings closer to streets is more inviting to customers and creates a friendlier pedestrian and neighborhood environment.

The current conditions and the character of current structures and uses in each district.

Preliminary Staff Comments: The character of this part of East Columbus is urban. The north side of State Street has a mixture of residential, institutional, and commercial properties and on the south side is industrial with a few single-family homes.. Most of the structures, including some of the industrial building, are located closer to the streets. The age of the buildings in this area range from primarily from the early to mid 20th Century on the north side of the corridor and the industrial development on the south side taking place in the 1950's onward.

The most desirable use for which the land in each district is adapted.

Preliminary Staff Comments: The property is located at the intersection of two arterial streets and has necessary infrastructure in place so the Community Center Commercial Zoning District uses are appropriate, however because the property is located in an urban area and along an arterial street, safe and efficient traffic management and a more urban, pedestrian-oriented design is also desirable.

The conservation of property values throughout the jurisdiction of the City of Columbus.

Preliminary Staff Comments: The property is located in an urban area that is a mix of residential, institutional, commercial and industrial uses, and therefore infill development should be in character with the surrounding neighborhood. State Street is a principle arterial that has recently undergone design improvements to increase safety and efficiency of traffic flow. The proposed site layout would not promote a pedestrian environment in the neighborhood and the addition of an access point would impact the safety and efficiency of State Street and therefore could impact property values in the area and jurisdiction of the City of Columbus.

Responsible growth and development.

Preliminary Staff Comments: The property is located at the intersection of two arterial streets, State Street and Gladstone Avenue, in an area that contains both commercial and industrial uses. The site is located well within the city boundaries with infrastructure available to meet the needs. State Street is a major arterial route for both the City of Columbus and the State of Indiana, so care should be taken to insure the efficiency and safety is maintained for traffic traveling within and through the Columbus area. In addition, development in the urban core areas should provide easy access opportunities for all modes of transportations; vehicle, bicycle and pedestrian.

Current Property Information:	
Land Use:	Vacant (former Kennedy Mobile Home Park)
Site Features:	Dwelling, garage/storage building, and trees
Flood Hazards:	None
Special Circumstances: (Airport Hazard Area, Wellfield Protection Area, etc.)	None
Vehicle Access:	The property has access from Gladstone Avenue (Minor Arterial, Residential, Suburban) and Kentucky Avenue (Local, Residential, Urban). The previous condition of rezoning prohibits access to the property from State Street (Principle Arterial, Commercial, Suburban) for any use other than Mobile Home Park

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	CC (Commercial: Community Center) RE (Residential: Established)	Commercial/industrial uses, Single-family residential, and Fodrea Elementary School
South:	CCc (Commercial: Community Center w/ conditions) I2 (Industrial: General)	Convenience Store – Gas Station, Single-family residential, and Industrial (Faurcia)
East:	CC (Commercial: Commercial Center) I2 (Industrial: General)	Auto Sales, County Highway Garage, and Industrial (Dorel Juvenile Group)
West:	CC (Commercial: Community Center)	Retail (Columbus Carpet and Linoleum and March Supermarket)

Zoning District Summary:	
	Existing Zoning: CC with conditions
Zoning District Intent:	<p>The intent of the Community Commercial Center district is to establish locations for a variety of businesses providing a variety of goods and services to community wide consumers as well as travelers to or through the area. The intent is also for this district to be located at major intersections where infrastructure and traffic access is adequate to high traffic volumes.</p> <p>Existing conditions of approval:</p> <ol style="list-style-type: none"> 1. Any new use of the property, other than the existing mobile home park, shall be designed to specifically exclude any and all vehicle access from State Street.

Zoning District Intent:	Existing conditions of approval: <ol style="list-style-type: none"> The following land uses, as defined by the Columbus & Bartholomew Zoning Ordinance shall be prohibited: <ol style="list-style-type: none"> communication service exchange utility substation water tower All primary structures shall be pedestrian-oriented with the majority of parking spaces provided (not less than 75%) being located behind the structure(s).
Permitted Uses:	Public/Semi-public uses , such as: Clinics, community and day care centers, funeral home, government or post office, police, fire or rescue station, trade or business schools, and worship facility Park Uses , such as: Nature preserve, conservation area, park, or playground Commercial uses , such as: Large, medium, or small auto-oriented uses, auto or equipment rental, builder's supply store, health spa, hotel/motels, instructional centers, Office, personal service uses, large, medium, and small retail uses, liquor store, restaurant, and medium and small recreation uses.
Water and Sewer Service:	Required
Lot and/or Density Requirements:	Minimum Lot Size: 10,000 sq. ft. Maximum Lot Size: 10 acres Maximum Lot Coverage: 65%
Setbacks Required: Front setbacks are determined by the Thoroughfare Plan Classification of the adjacent street and are the same regardless of zoning.	Side Yard Setback: <ul style="list-style-type: none"> Primary Structure: 10 feet Accessory Structure: 10 feet Rear Yard Setback: <ul style="list-style-type: none"> Primary Structure: 10 feet Accessory Structure: 10 feet Front Yard Setback: <ul style="list-style-type: none"> Arterial Street: 10 feet* Local Street: 10 feet* <p>* 25 feet for any auto service bay, auto fuel pump canopy, or other similar vehicle access points to structures.</p>

Height Restrictions:	Primary Structure: 40 feet Accessory Structure: 25 feet
Floor Area Requirements:	none
Signs:	Wall signs: 3 signs per street frontage with a maximum of 15% of wall area up to 350 sq. ft. Freestanding signs: 1 per street frontage up to a maximum of 100 square feet and 20 feet in height.

Interdepartmental Review:	
City Engineering:	City engineer's office supports a shared access point with the property to the east at the adjoining property line; however they would like the location of the Gladstone Avenue access point be located at the northern property edge.
City Utilities:	None
Parks Department:	None
MPO:	None

History of this Location:

The relevant history of this property includes the following:

1. On May 7, 2008, the Plan Commission reviewed a request (RZ-08-08) to rezone this property from RHM (Residential: Manufacture Home Park) to CC (Commercial: Community Center). Plan Commission made a favorable recommendation to the City Council with one condition included: Any new use of the property, other than the existing mobile home park, shall be designed to specifically exclude any and all vehicle access from State Street.
2. On June 3, 2008, the City Council adopted an ordinance approving the rezoning request with the Plan Commission's condition regarding the no access from State Street and they added two additional conditions:
 - 1) The following land uses, as defined by the Columbus & Bartholomew County Zoning Ordinance, shall be prohibited:
 - a. communications service exchange
 - b. utility substation
 - c. water tower
 - d. auto-oriented uses (small scale): includes a gas station, car wash, tire store, oil change shop, and similar uses
 - e. auto-oriented uses (medium scale): includes an auto repair and body shop and similar uses

- f. auto-oriented uses (large scale): includes automobile, motorcycle, and recreational vehicle sales and service and other similar uses
 - g. builder's supply store
 - h. auto rental
 - i. equipment rental
- 2) All primary structures shall be pedestrian-oriented with the majority of parking spaces provided (not less than 75%) being located behind the structure(s).
- 3. On July 2, 2008, Plan Commission reviewed the rezoning application referred back from the City Council with the additional conditions (as required at that time by Indiana law). Plan Commission voted to dissent from the approval of the City Council and referred this item back to the Council with the recommendation that the first condition (regarding uses) be omitted. The Plan Commission cites that the second condition (building and parking location) effectively and adequately limited the uses of the property, making a specific list of disallowed uses unnecessary.
- 4. On August 5, 2008, the City Council again considered the rezoning application and again voted to amend the rezoning conditions. They supported the prohibition of the following three land uses as defined by the Zoning Ordinance:
 - a. Communications service exchange
 - b. Utility substation
 - c. Water tower
- 5. On September 3, 2008, the Plan Commission affirmed the City Council's adoption of an ordinance approving the rezoning of this property to CCc (Community Center Commercial with conditions). Rezoning with conditions do not take effect unless the applicant records the conditions of approval in the Office of the Bartholomew County Recorder within 90 days of the final action. On December 2, 2008, the following three conditions of the rezoning approval were recorded:
 - 1) Any new use of the property, other than the existing mobile home park, shall be designed to specifically exclude any and all vehicle access from State Street.
 - 2) The following land uses, as defined by the Columbus & Bartholomew Zoning Ordinance shall be prohibited:
 - a. communication service exchange
 - b. utility substation
 - c. water tower
 - 3) All primary structures shall be pedestrian-oriented with the majority of parking spaces provided (not less than 75%) being located behind the structure(s).

Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as Residential.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

- 1. **Goal A-4:** Promote wise and efficient use of limited resources and nonrenewable resources, including but not limited to capital and land.
- 2. **Policy A-4-2:** Encourage infill development, and or use of vacant parcels for projects such as parks and other amenities which complement the neighborhoods in which they are located.
- 3. **Goal E-2:** Promote the use of designated highway corridors as areas for commercial development.
- 4. **Policy E-2-1:** Encourage development of designated highway corridors in a manner that is visually appealing. *Highway corridors greatly impact the appearance of a community. Because community appearance is important to local residents, the city should encourage these corridors to be developed in a manner that enhances community appearance.*
- 5. **Policy E-2-2:** Encourage smooth, efficient traffic flow, and as properties are redeveloped, reduce the number of driveways onto these highways.
- 6. **Policy E-2-3:** Establish objective design standards to encourage development with appropriate landscaping, parking, setbacks, visually appealing buildings, and attractive and effective signage.

7. **Policy E-2-5:** Establish accessibility standards for all new development and redevelopment. *Building and parking areas should be designed to provide accessibility for all, including the physically challenged.*
8. **Policy E-2-12:** Encourage parking lot and circulation designs which are safe and efficient, both for motor vehicles and for pedestrians.
9. **Policy E-2-21:** Maintain the relationship of buildings to the street as properties are developed or redeveloped. *In order to preserve the character of the State Street neighborhood, new buildings should be located close to the street, with any needed off-street parking provided behind the buildings.*
10. **Goal F-1:** Provide a safe and efficient network of arterial and collector streets and a network of local and neighborhood streets which offer suitable access to property and safety for vehicular and pedestrian traffic.
11. **Policy F-1-1:** Reduce points of traffic conflict on public streets through driveway and intersection separation points.
12. **Policy E-2-6:** Encourage service areas to be so located that they will not interfere with pedestrian activity.

This property is located in the East Columbus character area. The following Planning Principle(s) apply to this application:

1. Encourage property rehabilitation.
2. Encourage family-friendly neighborhood businesses, and limit the development of bars and adult businesses.
3. Control access to State Street and reduce the number of driveways where possible.
4. Retain the traditional character of commercial areas by encouraging off-street parking to be located behind buildings wherever possible.
5. Limit commercial development to arterial streets, primarily State Street.
6. Require that the scale of new uses be consistent with that of the surrounding uses.
7. Require sidewalks or other pedestrian plans to be prepared and implemented as new development or redevelopment takes place.

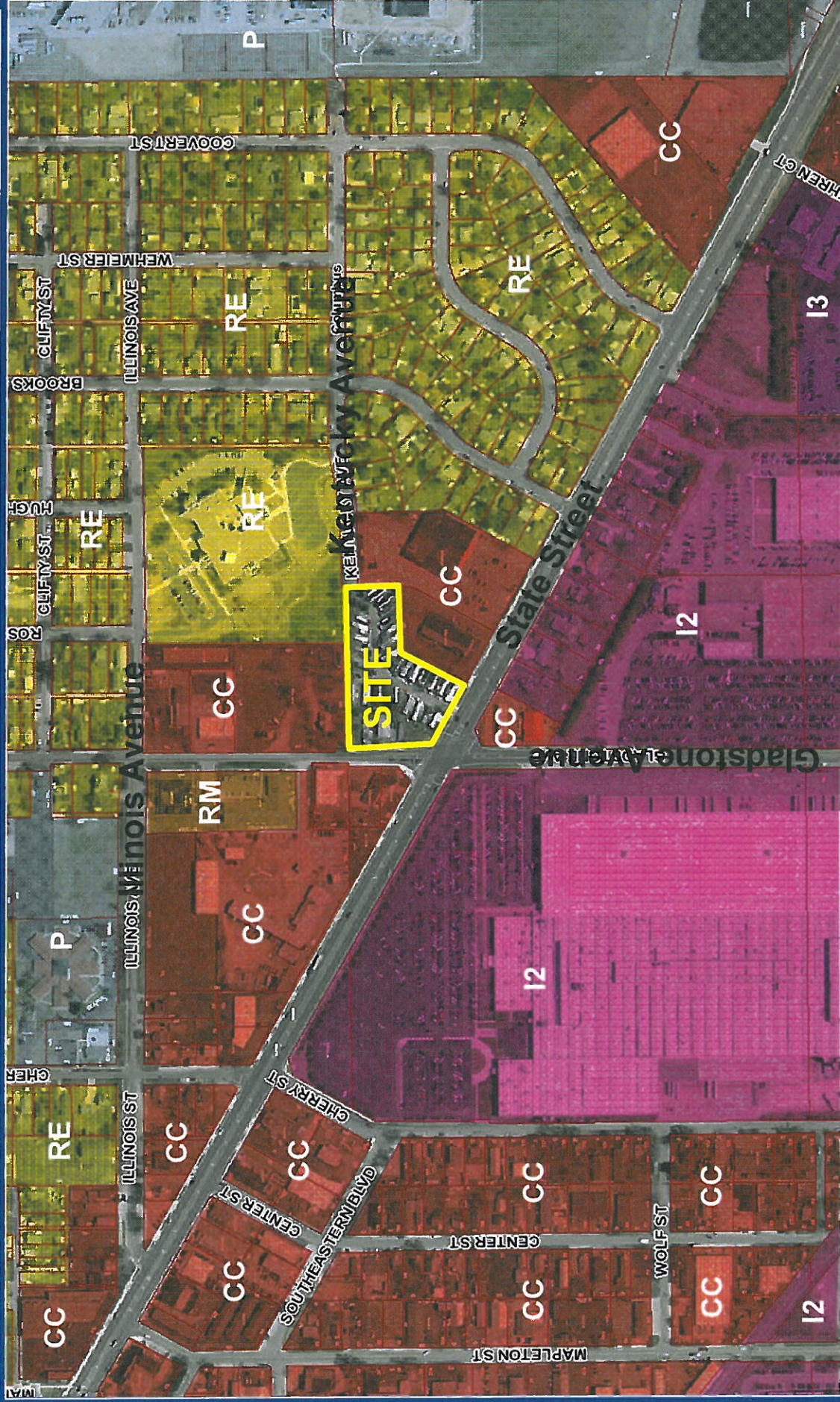
Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. As of January 2013, the City of Columbus has started the process for a study of the State Street corridor to develop a long range plan. The State Street corridor has been a topic of discussion for a greater part of the past decade.
2. The property is located in an area where there is a mixture of land uses: residential, industrial, an elementary school, and commercial uses. The applicant is requesting the change in the access and pedestrian-oriented building placement in order to construct a convenience store and fuel station on the site. The site plan submitted with this request shows the building and parking located to north and center portion of the lot with the fuel canopy to the west toward Gladstone Avenue. Pedestrian traffic would have to cross the traffic, fuel service, and parking area to reach the building. The applicant has not provided justification as to why the building could not be placed in a more pedestrian friendly manner.
3. The area north of State Street can be described as more urban in character with smaller lot sizes, more density, and buildings placed closer to the street. Urban areas also reflect a stronger relationship of pedestrian traffic and therefore, again safe and convenient access to buildings for pedestrians should be considered.
4. There are two manufacturing facilities located south of State Street in both sides of Gladstone Avenue with large numbers of employees and there is a likelihood that many of the workers will walk to this location for lunch (this can be seen at the gas station on the south east corner of State Street and Gladstone Avenue).
5. The pedestrian-oriented site design required by the rezoning condition is not uncommon for gas stations. Staff has research and found comparable site layouts in the following locations, two of which are Casey Stores:
 - 1) Kroger Turkey Market, 1221 South Rangeline Road, Carmel, Indiana

- 2) Mobile Station, 622 Genesee Street, Delafield, Wisconsin
 - 3) Mobile Station, 11209 Cedarburg Road, Mequon, Wisconsin
 - 4) Casey's General Store, 42nd Avenue, Amana, Iowa
 - 5) Casey's General Store, 6630 Mills Civic Parkway, West Des Moines, Iowa
6. The site plan the applicant presented shows a joint access location with the property located to the east where the Columbus Carpet and Linoleum store is located. On Monday, February 4, 2012, the owner of that property met with staff and stated they did not believe it was in their best interest to allow a common access point for both properties. They cited traffic circulation and safety on their property as a concern.
 7. Section 7.3 (Part 1)(C)(3)(c) of the Zoning Ordinance states that entrances should be located at a minimum of 400 feet apart along arterial streets such as State Street. The property only has 200 feet of frontage along State Street. The current driveway location is approximately 150 feet from the intersection of State Street and Gladstone Avenue and less than 100 feet from the entrance of the adjoining property. Having minimum driveway separation distances helps to reduce traffic conflicts and congestion and increase vehicle safety at street intersections.

Site Location & Surrounding Zoning





MEMORANDUM

TO: Columbus City Council Members

FROM: Jeff Bergman, AICP
on behalf of the Columbus Plan Commission

DATE: February 26, 2013

RE: RZ-13-02 (*Monarch Crossing Rezoning*)

At its February 13, 2013 meeting, the Columbus Plan Commission reviewed the above referenced application and forwarded it to the City Council with a favorable recommendation by a vote of 9 in favor and 0 opposed.

Prestwick Square of Columbus Associate, LP, the owners of the Monarch Crossing apartments at the northwest corner of Marr Road and McKinley Avenue are proposing to rezone an adjacent property to multi-family residential (RM) and incorporate it into their existing apartment complex. The subject property is currently zoned single-family residential (RS4) and currently features a single home. It has frontage on Marr Road and is surrounded on the other 3 sides by the Monarch Crossing apartments. The applicants have indicated that they will tear down the home and other buildings and construct apartments on the site.

The Plan Commission's favorable recommendation on this rezoning includes 3 commitments regarding its future use and development. The first two commitments address incorporating access to this property with the internal Monarch Crossing drives and the removal of the Marr Road frontage road used to access the existing single family home. The final commitment calls on the developer to install some minor sidewalk extensions at the corner of Marr Road and McKinley Avenue. The applicant agreed to all of these commitments at the Plan Commission meeting. They are detailed in the attached rezoning ordinance.

No neighbors spoke either for or against this request at the Plan Commission public hearing.

The following items of information are attached to this memo for your consideration:

1. the proposed ordinance approving the rezoning,
2. the resolution certifying the action of the Plan Commission,
3. a copy of the Plan Commission staff report,
4. a location map, and
5. supporting material provided by the applicant.

Please feel free to contact me if you have any questions regarding this matter.

ORDINANCE NO.: _____, 2013

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF COLUMBUS, INDIANA, REZONING THE SUBJECT PROPERTY
FROM "RS4" (RESIDENTIAL: SINGLE-FAMILY)
TO "RMc" (RESIDENTIAL: MULTI-FAMILY WITH COMMITMENTS)**

**To be known as the: Monarch Crossing Rezoning
Plan Commission Case No.: RZ-13-02**

WHEREAS, this rezoning was requested by Prestwick Square of Columbus Associates, LP and includes the consent of all owners of the subject property; and

WHEREAS, the Columbus Plan Commission did, on February 13, 2013, hold a legally advertised public hearing on said request and has certified a favorable recommendation to the Common Council; and

WHEREAS, the Common Council of the City of Columbus, Indiana has considered the criteria contained in Section 12.6(G) of the Columbus & Bartholomew County Zoning Ordinance.

NOW THEREFORE BE IT ORDAINED by the Common Council of the City of Columbus, Indiana, as follows:

SECTION 1: Official Zoning Map

The zoning classification of the following described real estate, which is in the zoning jurisdiction of the City of Columbus, Indiana, shall be changed from "RS4" (Residential: Single-family) to "RMc" (Residential: Multi-family with commitments):

A part of southeast quarter of the southwest quarter of section 20, township 9 north, range 6 east, intended to be that land as described and recorded in instrument #96-1889 in the Office of the Recorder of Bartholomew County, Indiana, and more particularly described as follows:

Commencing at the southwest corner of said quarter-quarter section, marked by a Bartholomew County Surveyor's monument (found); thence along the east line of said quarter-quarter section north 00 degrees 21' 25" east (an assumed bearing) a distance of 456.40 feet to the point of beginning, marked by a 5/8" rebar (found); thence along a line of Lot 1A of "Prestwick Square of Columbus Replat (P.B. "R", pg. 205A) north 89 degrees 30' 26" west a distance of 221.61 feet to a corner of said Lot 1A marked by a 5/8" rebar (found); thence continuing along a line of said Lot 1A north 00 degrees 26' 58" east a distance of 185.22 feet to a corner of said Lot 1A. Marked by a 1" iron pipe (found); thence continuing along a line of said Lot 1A south 89 degrees 29' 39" east a distance of 221.31 feet to the east line of said quarter-quarter section and a 5/8" rebar (found); thence along said east line south 00 degrees 21' 25" west a distance of 185.17 feet to the point of beginning, containing 0.94 acres, more or less, and subject to all legal rights-of-way, easements, and restrictions.

SECTION 2: Commitment(s)

The use and development of the subject property shall be subject to the following commitments:

- a) Any new development on the subject property shall receive vehicle access from the Monarch Crossing internal drives, and not through a new access point on Marr Road.
- b) The existing frontage street providing vehicle access to the subject property shall be closed and physically removed at the time the property is re-developed.

- c) At the time the subject property is re-developed, that developer shall also extend the sidewalks at the northwest corner of Marr Road and McKinley Avenue to the intersection. This construction shall meet all applicable design and construction standards of the Columbus City Engineer.

SECTION 3: Repealer

All ordinances or parts thereof in conflict with this Ordinance shall be repealed to the extent of such conflict.

SECTION 4: Severability

If any provision, or the application of any provision, of this ordinance is held unconstitutional or invalid the remainder of the ordinance, or the application of such provision to other circumstances, shall be unaffected.

SECTION 5: Effective Date

This ordinance shall be effective upon and after the date and time of its adoption, as provided in Indiana law.

ADOPTED, by the Common Council of the City of Columbus, Indiana, this _____ day of _____, 2013 at _____ o'clock _____.m., by a vote of _____ ayes and _____ nays.

Presiding Officer

ATTEST:

Luann Welmer
Clerk-Treasurer of the City of Columbus, Indiana

Presented to me, the Mayor of Columbus, Indiana, the _____ day of _____, 2013 at _____ o'clock _____.m.

Kristen S. Brown
Mayor of the City of Columbus, Indiana

RESOLUTION: RZ-13-02

of the City of Columbus, Indiana Plan Commission

regarding
Case number RZ-13-02
(Monarch Crossing Rezoning),
a proposal to rezone +/-0.94 acres from
RS4 (Residential: Single-family) to RM (Residential: Multi-family)

WHEREAS, the Plan Commission has received the application referenced above from Prestwick Square of Columbus Associates, LP; and

WHEREAS, the applicant(s) represent 100% of the property owners involved in the rezoning request, which meets the requirements of IC 36-7-4-602(c); and

WHEREAS, the Plan Commission did, on February 13, 2013, hold a public hearing consistent with the applicable requirements of Indiana law, the Columbus & Bartholomew County Zoning Ordinance, and the Plan Commission Rules of Procedure; and

WHEREAS, the Plan Commission did pay reasonable regard to the criteria contained in Section 12.6(G) of the Columbus & Bartholomew County Zoning Ordinance; and

WHEREAS, the Plan Commission recognizes that its action on this matter represents a recommendation to the Common Council of the City of Columbus, Indiana, which will be responsible for final action on the request.

NOW THEREFORE BE IT RESOLVED, by the Plan Commission of the City of Columbus, Indiana, as follows:

- 1) The rezoning of the property subject to the application (approximately 0.94 acres located on the west side of Marr Road, north of McKinley Avenue) is forwarded to the Common Council with a favorable recommendation. That recommendation includes the following commitments:
 - a) Any new development on the subject property shall receive vehicle access from the Monarch Crossing internal drives, and not through a new access point on Marr Road.
 - b) The existing frontage street providing vehicle access to the subject property shall be closed and physically removed at the time the property is re-developed.
 - c) At the time the subject property is re-developed, that developer shall also extend the sidewalks at the northwest corner of Marr Road and McKinley Avenue to the intersection. This construction shall meet all applicable design and construction standards of the Columbus City Engineer.
- 2) This resolution shall serve as the certification required for such ordinance amendments (re-zonings) by IC 36-7-4-605.

ADOPTED BY THE COLUMBUS, INDIANA PLAN COMMISSION THIS 13th DAY OF, FEBRUARY 2013 BY A VOTE OF 9 IN FAVOR AND 0 OPPOSED.

Roger Lang, President

ATTEST:

David L. Hayward, Secretary



STAFF REPORT

CITY OF COLUMBUS PLAN COMMISSION (February 13, 2013 Meeting)

Docket No. / Project Title: RZ-13-02 (Monarch Crossing)
Staff: Melissa Begley
Applicant: Prestwick Square of Columbus
Property Size: 41,382 Square feet
Current Zoning: RS4 (Residential: Single Family 4)
Proposed Zoning: RM (Residential: Multi-Family)
Location: 404 North Marr Road, in the City of Columbus

Background Summary:

The applicant has indicated that the proposed rezoning is for the purpose of changing the zoning on a parcel that is currently zoned RS4 (Residential: Single Family 4) to RM (Residential: Multi-Family) and integrating the parcel in to the surrounding Monarch Crossing Apartment Complex.

Key Issue Summary:

The following key issue(s) should be resolved through the consideration of this application: Is multi-family residential appropriate at this location?

Preliminary Staff Recommendation:

Favorable Recommendation to City Council. The recommendation should be subject to the following condition: No new access shall be provided from Marr Road.

Plan Commission Options:

In reviewing a request for rezoning the Plan Commission may (1) forward a favorable recommendation to the City Council, (2) forward an unfavorable recommendation to the City Council, (3) forward the application to City Council with no recommendation, or (4) continue the review to the next Plan Commission meeting. The Plan Commission may attach conditions to any recommendation which are to become written commitments of the applicant. The City Council makes all final decisions regarding rezoning applications.

Decision Criteria:

Indiana law and the Columbus Zoning Ordinance require that the Plan Commission and City Council pay reasonable regard to the following when considering a rezoning:

The Comprehensive Plan.

Preliminary Staff Comments: The rezoning is supported by the Comprehensive Plan. The Plan encourages development where the City's infrastructure and services have the capacity to accommodate the growth, a mix of housing types, and development adjacent to existing development. The Plan designates this location as residential.

The current conditions and the character of current structures and uses in each district.

Preliminary Staff Comments: The subject property is an existing single family residential structure that is surrounded by multi-family structures.

The most desirable use for which the land in each district is adapted.

Preliminary Staff Comments: The site is well suited for multi-family. Utilities are present on the site and it is within a half a mile to a variety of service and retail uses, shopping centers, gas stations and restaurants.

The conservation of property values throughout the jurisdiction of the City of Columbus.

Preliminary Staff Comments: Rezoning the property to multi-family residential should not be expected to negatively impact property values throughout the jurisdiction. The lot is currently surrounded by Monarch Crossing Apartments and will be absorbed and integrated into the apartment complex development.

Responsible growth and development.

Preliminary Staff Comments: The rezoning represents responsible growth and development. Streets for the apartment complex have already been established, and there are adequate utilities available. There are commercial services in the area to support the development.

Current Property Information:	
Land Use:	The property is a single family residence.
Site Features:	The site contains a single family dwelling, barn, and a swimming pool.
Flood Hazards:	This property is not in a flood hazard zone.
Special Circumstances: (Airport Hazard Area, Wellfield Protection Area, etc.)	There are no special circumstances on this site.
Vehicle Access:	The property gains access off of Marr Road (Minor Arterial, Suburban Residential) and McKinley Avenue (Collector, Suburban, Residential).

Surrounding Zoning and Land Use:		
	Zoning:	Land Use:
North:	RM (Residential: Multi-family)	Monarch Crossing Apartments
South:	RM (Residential: Multi-family)	Monarch Crossing Apartments
East:	CR (Commercial: Regional)	Vacant
West:	RM (Residential: Multi-family)	Monarch Crossing Apartments

Zoning District Summary (Existing / Proposed):		
	Existing Zoning: RS3	Proposed Zoning: RM
Zoning District Intent:	This district is intended to provide areas for moderate to high density single-family residences in areas with compatible infrastructure and services.	This district is intended to provide areas for a variety of multi-family uses, such as two-family dwellings, apartment homes and complexes, and condominiums, in areas with compatible infrastructure and services.

Permitted Uses:	<ul style="list-style-type: none"> • Single-Family Dwellings • Nature Preserve / Conservation Area 	<ul style="list-style-type: none"> • Multi-Family Dwellings • Two-Family Dwellings • Nursing Home / Assisted Living Facility • Retirement Facility • Nature Preserve / Conservation Area
Water and Sewer Service:	Required	Required
Lot and/or Density Requirements:	The maximum gross density is 5 units per acre.	The maximum gross density is 25 units per acre.
Setbacks Required:	<p>Side Yard Setback: 5 feet</p> <p>Rear Yard Setback: 5 feet</p> <p>Front Yard Setback: Arterial Street: 50 feet Collector Street: 30 feet Local Street: 10 feet</p>	<p>Side Yard Setback: 5 feet for a two-family dwelling 10 feet for a multi-family dwelling</p> <p>Rear Yard Setback: 10 feet</p> <p>Front Yard Setback: 10 feet</p>
Height Restrictions:	<p>Primary Structure: 40 feet</p> <p>Accessory Structure: 25 feet</p>	<p>Primary Structure: 50 feet</p> <p>Accessory Structure: 25 feet</p>

Floor Area Requirements:	The minimum living area is 1,000 square feet.	The minimum living area is 1,000 square feet for a two-family dwelling and 500 square feet for a multi-family dwelling.
Signs:	Two development entry signs are permitted per entrance. Each sign cannot exceed 32 square feet and 6 feet in height.	Two development entry signs are permitted per entrance. Each sign cannot exceed 32 square feet and 6 feet in height.

Interdepartmental Review:

City Engineering:	<p>The proposed rezoning will not significantly impact access or drainage on the site. However, multi-family use on this site should take access from the interior established multi-family development and not the existing single family access drive or Marr Road.</p> <p>From the Marr Road entrance to the north edge of their property, an 8' sidepath exists. Our plan is to continue that 8' sidepath to the north and south to connect pedestrians to 10th Street and McKinley Ave. and beyond. Since the existing section of Wint Drive is no longer needed for vehicular traffic, a portion of that pavement could be used for a continuation of the sidepath. It is our understanding that the developer wishes to vacate a portion of the existing R/W and remove the Wint Drive pavement. Our request/position is that, since the developer wishes to remove usable pavement, the developer should be responsible for the replacement of that pavement for use as a sidepath.</p> <p>Also, while the developer is working in the area, the City and/or Park Foundation would like to cooperatively find ways to complete the 8' sidepath width to the south to McKinley. We understand that this work is beyond the requirements, but we believe that the additional construction should be completed while other construction is taking place in the area.</p>
City Utilities:	No Comments received.
Fire Department	The Fire Department has no issues with the rezoning from single to multiple family dwelling. Any construction or remodeling will be subject to current Building and Fire Codes. This would require Fire Department and Building and Zoning approval of blueprints for any changes prior to changes being made.
Parks Department:	No Comments received.
MPO:	No Comments received.

History of this Location:

The relevant history of this property includes the following: An application for a Vacation of Public Right-of-way was received on December 10, 2012 to vacate a portion of right-of-way along Marr Road. The application is on hold and will follow the same timeline as this rezoning application.

Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as Residential.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

1. **POLICY A-2-11:** Encourage all new development to be in scale (height, area, mass, setback, etc.) with its surroundings, determined on a neighborhood by neighborhood basis.
2. **POLICY A-2-15:** Encourage sidewalks in all areas of the community, requiring them on a pedestrian system in new development. Sidewalks should be designed with a landscape strip between the sidewalk and the street or curb.
3. **POLICY A-4-2:** Encourage infill development, and/or use of vacant parcels for projects such as parks or other amenities which complement the neighborhoods in which they are located.
4. **POLICY A-4-6:** Encourage wise use of infrastructure dollars.
5. **POLICY D-1-3:** Encourage development adjacent to already developed areas.

This property is located in the East Columbus character area. The following Planning Principle(s) apply to this application:

1. Encourage new housing development.
2. Encourage property rehabilitation.
3. Require sidewalks or other pedestrian plans to be prepared and implemented as new development or redevelopment takes place.

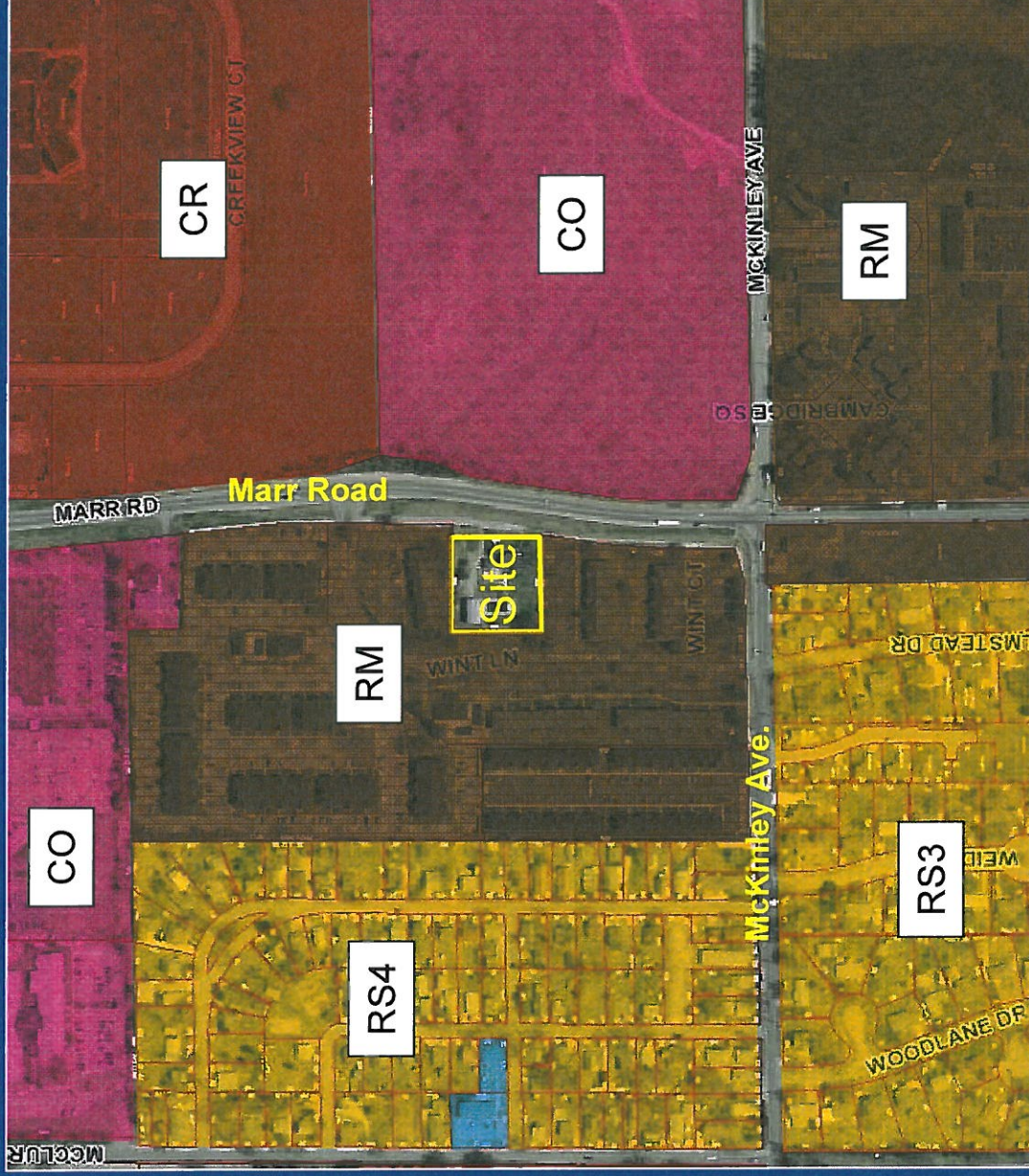
Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

1. The applicant has indicated the subject property will be integrated into the Monarch Crossing Apartment Complex and new apartment buildings will be added to the site.
2. The subject property is currently surrounded on three sides by the Monarch Crossing Apartment Complex. Monarch Crossing, formerly Prestwick Square Apartments was developed in 1992. At that time, the subject property was a single family residence and the owners did not want to be included in the apartment project. The apartment complex proceeded with development around the single family residence.
3. In 2012, the applicant submitted a Zoning Compliance Certificate to build 9 new apartment buildings on the apartment complex property and this project is currently under construction.
4. The existing Monarch Crossing Apartment complex is 7.12 acres in size and has a total of 86 units (including the most recent addition of 9 apartment buildings) for a density of 12 units per acre. The maximum density allowed in the RM zoning district is 25 dwelling units per acre. According to the applicant, the proposed Phase 2 expansion of Monarch Crossing Apartments, including the addition of the subject property will add approximately 66 dwelling units for a total maximum density of 18.83 units per acre.
5. Development in the immediate vicinity includes Stone Gate Apartments to the north, formerly known as Prestwick Village. Prestwick Village was developed by the applicant, but is now under different ownership. To the west of Monarch Crossing is the second phase of Stone Gate Apartments, also developed by the applicant. Directly east of the subject property is vacant land that is zoned CR (Commercial: Regional) and CO (Commercial: Professional Office).
6. The nearest commercial goods and services are located less than a half a mile east of the subject property. These goods and services include retail, grocery store and restaurants.
7. Children living in the proposed apartments would attend Clifty Creek Elementary, Central Middle School and Columbus East High School.
8. ColumBus Transit Services are located approximately 550 feet from the subject property at the southeast corner of McKinley Avenue and Marr Road.
9. There is no sidewalk located along the subject property frontage, although there are existing sidewalks present along the west side Marr Road up to the single family residential property north of Stone Gate Apartments. The Zoning Ordinance requires the installation of sidewalks for all development in multi-family residential developments along all adjoining street and road rights-of-way. In this instance, a 5 foot wide sidewalk would be required.

10. The nearest park is Clifty Park and is less than a half of a mile from the subject property.
11. Access to the subject property will be served from the existing roads in Monarch Crossing. One entrance is located on Marr Road and the other entrance is on McKinley Avenue. The single family residence was being served by an access drive located off of Wint Drive. The Engineering Department has indicated that no new access shall be provided on Marr Road. The separation distance required by Zoning Ordinance Section 7.3(C)(3)(c)(i) on Marr Road (Minor Arterial, Suburban, Residential) is a minimum of 400 feet. There is approximately 846 feet along Marr Road between the entrance drive to Monarch Crossing and McKinley Avenue.
12. The City Engineering Department has requested the developer install an 8 foot wide sidepath along the subject property. The Bicycle and Pedestrian Plan recommends bicycle lanes along Marr road and has identified it as a future project (Ref. No. F7). Further, the Thoroughfare Plan requires Minor Arterials be provided with at 5 foot bike lane and a 5 foot sidewalk.

Location & Surrounding Zoning



PROPERTY DESCRIPTION
 LOT 1A IN "PRESTWICK SQUARE OF COLUMBUS REPLAT" AS RECORDED IN PLAT BOOK "R",
 PAGE 205A, CONTAINING 7.12 ACRES MORE OR LESS AND SUBJECT TO ALL LEGAL
 RIGHTS-OF-WAY, EASEMENTS, AND RESTRICTIONS

PROPERTY DESCRIPTION

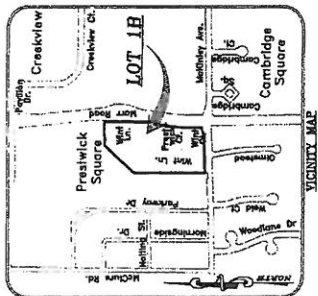
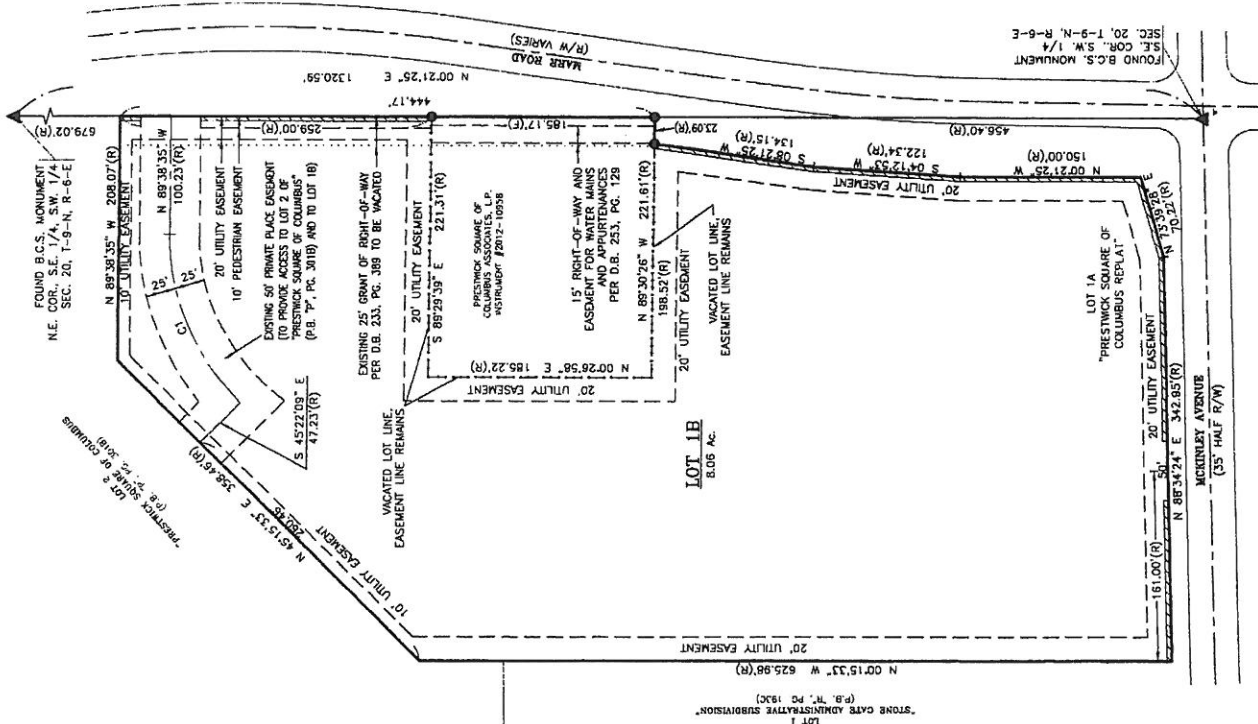
LOT 1A IN "PRESTWICK SQUARE OF COLUMBUS REPLAY" AS RECORDED IN PLAT BOOK "R",
 PAGE 205A, CONTAINING 7.12 ACRES MORE OR LESS AND SUBJECT TO ALL LEGAL
 RIGHTS-OF-WAY, EASEMENTS, AND RESTRICTIONS

ALSO: A PART OF SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 9 NORTH, RANGE 6 EAST, INTENDED TO BE THAT LAND AS DESCRIBED AND RECORDED IN INSTRUMENT #96-1889 IN THE OFFICE OF THE RECORDER OF BARTHOLOMEW COUNTY, INDIANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAND QUARTER SECTION, MARKED BY A BATHOLITH NEW COUNTY SURVEYOR'S MONUMENT (FOUNDED); THENCE ALONG THE EAST LINE OF SAND QUARTER-QUARTER SECTION NORTH 0071°25' EAST (AN ASSUMED BEARING) A LINE A DISTANCE OF 456.40 FEET TO THE POINT OF BEGINNING, MARKED BY A 5/8" REBAR (FOUNDED); THENCE ALONG A LINE OF LOT 1A OF "PRESTWICK SQUARE OF COLUMBIUS RE-PLANT" (P.B. TR. P.C. 2054) NORTH 89°30'25" WEST A DISTANCE OF 221.61 FEET TO A CORNER OF SAND LOT 1A, MARKED BY A 5/8" REBAR (FOUNDED); THENCE CONTINUING ALONG A LINE OF SAND LOT 1A NORTH 00°28'38" EAST A DISTANCE OF 185.22 FEET TO A CORNER OF SAND LOT 1A, MARKED BY A 5/8" REBAR (FOUNDED); THENCE CONTINUING ALONG A LINE OF SAND LOT 1A SOUTH 89°29'38" WEST A DISTANCE OF 271.00 FEET TO A CORNER OF SAND QUARTER-QUARTER SECTION AND A 5/4" REBAR (FOUNDED); THENCE ALONG SAID LINE OF SAND QUARTER-QUARTER SECTION SOUTH 0071°25' WEST A DISTANCE OF 185.17 FEET TO THE POINT OF BEGINNING, CONTAINING 0.34 ACRES, MORE OR LESS, AND SUBJECT TO ALL LEGAL ENCUMBRANCES-OF-WAY, EASEMENTS, AND RESTRICTIONS, CONTAINING IN ALL 8.06 ACRES MORE OR LESS.

SURVEYOR'S REPORT

FOR A DISCUSSION OF THE MONUMENTS FOUND AND THE THEORY OF THE ESTABLISHMENT OF THE BOUNDARY, SEE THE SURVEYOR'S REPORT RECORDED ON A BOUNDARY SURVEY, TITLED "FRESHMAN BOUNDARY SURVEY", PERFORMED BY INDEPENDENT LAND SURVEYING, CERTIFIED BY ME, TIM M. ALLEN, AND RECORDED AS INSTRUMENT #201200009604 IN THE OFFICE OF THE RECORDER OF BARTHOLOMEW COUNTY, INDIANA.



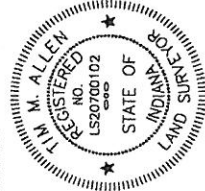
LEGEND

● LOT CORNER MONUMENT FOUND
(R) RECORD PLAT DIMENSION
..... VACATE LOT LINE

[illegible]

DATE _____

TIM M. ALLEN, LS-20700102



**PRESTWICK SQUARE OF
COLUMBUS AND REFLAT**
SEC. 20, T-9-N, R-6-E

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1/2

BARTHOLOMEW COUNTY, IN
COLUMBUS, IN

SHEET	SCALE: 1" = 100'
DRAWN BY: TAC	ENC. REVISION DATES
DATE: 1/2/11	
ENC. DATE: 1/2/11	
ENC. NAME: 12-15-11 PRESTWICK - ADAMSON	

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 Columbus, Indiana 47201
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 Fax: 812-377-5189



MEMORANDUM

TO: Columbus City Council Members
FROM: Jeff Bergman
DATE: February 26, 2013
RE: VAC-12-03: Prestwick Square Right-of-way Vacation

Prestwick Square of Columbus Associates is proposing that the City vacate previously granted right-of-way along the Marr Road frontage of their property. Prestwick Square is the owner of the Monarch Crossing apartments located at the northwest corner of Marr Road and McKinley Avenue. At the time the apartments were originally developed the site wrapped around a home along Marr Road. A frontage road along Marr serves as a driveway for that home. Prestwick Square recently purchased the home and intends to demolish it and expand the apartment complex onto the site. Access will be provided from a drive internal to the apartments and the frontage road will no longer be needed. Prestwick Square is seeking the vacation of right-of-way along their frontage of Marr Road so that this area can be incorporated as part of their project. This right-of-way currently contains a sidewalk and some utilities and appears related to the frontage road that will no longer be needed. Prestwick Square has proposed to remove the frontage road and will provide an easement for the sidewalk and utilities in the area of the right-of-way vacation.

This request was reviewed by the members of the Columbus Plat Committee (including local utilities and the City Engineer's Office). As long as the utility and pedestrian easements remained, no Committee member indicated any objections to the right-of-way vacation. It is recommended that the City Council vacate the excess right-of-way, subject to the following specifications:

1. The right-of-way that remains for Marr Road shall at no point be less than 100 feet in width.
2. An appropriate easement shall be provided for the use and maintenance of the sidewalk in the to-be-vacated right-of-way.
3. A utility easement will be provided in the to-be-vacated right-of-way area.

Attached to this memorandum for your reference are: (1) an ordinance vacating the right-of-way and (2) an exhibit showing the right-of-way to be vacated and its context.

ORDINANCE NO.: _____, 2013

AN ORDINANCE VACATING PUBLIC RIGHT-OF-WAY

**To be known as the: Prestwick Square of Columbus Vacation
Plan Commission Case No.: VAC-12-03**

WHEREAS, the Common Council of the City of Columbus, Indiana, has received a petition to vacate existing right-of-way in the City of Columbus, Indiana, pursuant to IC 36-7-3-12, and;

WHEREAS, the Common Council has held a public hearing on said petition as required by IC 36-7-3-12, and has found that the requested vacation should be granted.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Columbus, Indiana, as follows:

SECTION 1: Right-of-way Vacated

The following described right-of-way shall be vacated:

A part of the southeast quarter of the southwest quarter of section twenty (20), township nine (9), north range six (6) east, describe as follows:

Commencing at an existing B.C.S. monument found marking the southeast corner of said quarter-quarter, thence north 00°21'25" east along the east line of said quarter-quarter a distance of 456.40 feet to the southeast corner of the land described in instrument #2012-10958 and the true point of beginning; thence continuing north 00°21'25" east along the east line of said quarter-quarter a distance of 444.17 feet to the northeast corner of Lot 1A in Prestwick Square of Columbus Replat as recorded in plat book "R", page 205A; thence north 89°38'35" west along the north line of said lot a distance of 25.00 feet; thence south 00°21'25" west a distance of 457.75 feet to a point on the east line of said lot 1A; thence north 08°21'25" east along the east line of said lot a distance of 13.77 feet to the south line of the land described in instrument #2012-10958; thence south 89°30'26" east a distance of 23.09 feet to the point of beginning. Containing 0.26 acres, more or less.

SECTION 2: Effective Date

This ordinance shall take effect upon the recording of documents required by the City of Columbus Subdivision Control Ordinance (a plat providing for the allocation of the vacated right-of-way among adjoining properties).

ADOPTED, by the Common Council of the City of Columbus, Indiana, this _____ day of _____, 2013, at _____ o'clock _____.m., by a vote of _____ ayes and _____ nays.

Presiding Officer

ATTEST:

Luann Welmer
Clerk-Treasurer of the City of Columbus, Indiana

Presented to me, the Mayor of Columbus, Indiana, the _____ day of _____, 2013, at
_____ o'clock _____.m.

Kristen S. Brown
Mayor of the City of Columbus, Indiana

VAC-12-03 Prestwick Square



FIRST READING: _____

SECOND READING: _____

CITY OF COLUMBUS ORDINANCE NO. _____ 2013

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA,
AMENDING CHAPTER 9 OF THE COLUMBUS CITY CODE
TO ADD SECTION 9.34, ETHICS ORDINANCE**

WHEREAS, Indiana Code 36-1-3 et. seq. confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government; and

WHEREAS, Indiana Code 36-4-6-18 authorizes the Common Council of the City of Columbus, Indiana to pass such ordinances, orders, resolutions and motions as may be necessary and proper for the governmental unit to fulfill and satisfy the responsibilities and duties of said governmental unit; and

WHEREAS, the Common Council desires to promote confidence in city business regarding the official conduct of officials, councillors, appointees, and employees of city government; and

WHEREAS, it is the desire of the Common Council to provide clear and high ethical standards regarding city business, so that it is transparent and conducive to the public good.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, AS FOLLOWS:

SECTION I. Chapter 9, Article 34 of the Columbus City Code, Ethic Ordinance, is hereby adopted to read as follows:

**CHAPTER 9.34
ETHICS ORDINANCE**

ARTICLE I. GENERAL PROVISIONS

9.34.010 Name and purpose.
9.34.020 Definitions.

ARTICLE II. STANDARDS OF ETHICAL CONDUCT

9.34.030. Gifts; favors; service, entertainment; travel expenses; waivers.
9.34.040 Honoraria.
9.34.050 Political activity and patronage.
9.34.060 Employment restrictions.
9.34.070 Additional or excel compensation.
9.34.080 Nepotism.
9.34.090 Conflicts of interest; discussion, decisions, and voting.
9.34.100 Conflicts of interest; contracts.
9.34.110 Benefiting from or divulging confidential information.
9.34.120 Use of city property.
9.34.130 Complicity with another's violation.
9.34.140 Complaints filed in bad faith.

ARTICLE III. REVIEW OF ETHICAL CONDUCT

DIVISION 1. General Provisions

9.34.170 Agency policies.
9.34.180 Training requirements.
9.34.190 Advisory opinions.

DIVISION 2. City Ethics Commission

- 9.34.250 Establishment and purpose.**
- 9.34.260 Established, Appointment, terms, and qualifications of members.**
- 9.34.270 Officers; quorum; meetings.**
- 9.34.280 Jurisdiction.**
- 9.34.290 Powers**
- 9.34.300 Adopting, Amending and Rescinding Rules and Regulations**
- 9.34.310 Complaint process—filing and review by Ethics Commission Attorney.**
- 9.34.320 Same—complaints referred to the Ethics Commission.**
- 9.34.330 Decision of the Ethics Commission.**
- 9.34.340 Agreed settlements.**
- 9.34.350 Report of action taken by department head or director of an agency.**
- 9.34.360 Unlawful interference with Ethics Commission activities.**
- 9.34.370 Disclosure requirements – public records.**
- 9.34.380 Same – public meetings.**

ARTICLE IV. VIOLATIONS AND ENFORCEMENT

- 9.34.400 Voluntary remedial actions.**
- 9.34.410 Violations and penalties.**
- 9.34.420 Whistleblower protection.**
- 9.34.430 Miscellaneous provisions.**

Sec. 9.34.010 Name and purpose.

- a. This chapter shall be referred to as the “Ethics Ordinance.”
- b. The purpose of this chapter is to set clear and high ethical standards for the official conduct of officials, councillors, appointees, and employees of city government and persons who have a business relationship with city government so that the public will have confidence that the conduct of city business is always conducive to the public good. Citizens, businesses and visitors alike look to government to be a model example of an ethical organization.
- c. The City’s officials, councillors, appointees and employees shall perform their duties for the benefit of the citizens of the city. They shall conduct the government of the City with loyalty, integrity and impartiality, without the appearance or perception of allowing prejudice, favoritism or the opportunity for personal gain to influence their decisions or actions or to interfere with serving the public interest.
- d. Public confidence in the integrity of government is essential to the exercise of good government. Accordingly, those persons under the jurisdiction of the Ethics Commission should be committed to the following goals:
 - 1. Duties should be carried out impartially;
 - 2. Decisions and policy should not be made outside of proper channels of city government;
 - 3. Public office should not be used for private gain; and
 - 4. Actions, transactions, or involvements should not be performed or engaged in which have the potential to, or the appearance of, becoming a conflict of interest.
- e. This chapter is not meant to unduly restrict or limit the behavior of the officials, councillors, appointees, or employees during the time when they are not on duty. Each official, councillor, appointee, or employee retains lawful rights and privileges as a private citizen to interests of a personal or private financial nature. These rights and privileges will be honored to the extent that they are compatible with an individual’s elected office as an official or councillor, an appointed position, or employment.

Sec. 9.34.020. Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

Agency means an authority, board, commission, committee, office of the mayor, city common council, city clerk-treasurer, department, office, service, or other entity, by whatever name designated, exercising a portion of the executive, administrative, or legislative power of the city.

Appointee(s) includes, other than an official, councillor or employee:

- (1) members of all City commissions, committees, and boards established by state statute or local ordinance, policy or motion, who can make binding recommendations and are appointed by the Mayor or the Common Council, and
- (2) individuals who are appointed to an agency, a municipal corporation, a department, or a governmental entity in the City whose budget is subject to the review of the City Common Council;

Assist or assistance means to help, aid, advise, or furnish information to a person, and includes an offer to assist.

Business relationship means dealings with an agency by a person who personally, or as an employee of a person, has or benefits from:

- (1) A financial interest in a contract with, or purchase by, an agency; or
- (2) A license or permit requiring the exercise of judgment or discretion by the agency.

Such dealings with an agency do not include Tax Abatements considered under I.C. 6-1.1-12.1, *et. seq.*.

Candidate for elected office means a **candidate** for the office of mayor, office of clerk-treasurer and city common council.

City means the City of Columbus, Bartholomew County, Indiana.

Compensation means any money, thing of value, forgiveness, or financial benefit conferred on, or received by, any person in return for services rendered, or for services to be rendered, whether by that person or another.

Councillor(s) includes the elected Common Council Members.

Department Head means a city employee who is the head of a city department and reports directly to the Mayor or to a board or commission in which the Mayor and/or the Columbus Common Council has appointive powers by a majority of its members.

Dependent means a child, step-child, or adoptee of an individual who is unemancipated and less than 18 years old, or an individual more than one-half (1/2) of whose support is provided during a year by the individual.

Direct line of supervision means an official or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancements, or performance evaluations. The term does not include the responsibilities of the Mayor or councillors to make decisions regarding salary ordinances, budgets or personnel policies of the agencies.

Employee(s) includes an individual, other than an official, councillor, or appointee, who is employed by a City agency on a full-time or part-time basis, or under any other employment category defined within the Employee Personnel Booklet and/or Personnel Policies.

Entertainment means the free admission or token of admission to a sporting contest, concert, theatrical production, convocation, parade, convention, festival, or other similar show or presentation that is intended for the enjoyment or diversion of members of the public upon paid admission.

Ethics Commission refers to the city ethics commission created under Article III - Division 3.

Fair market value means the price that would be paid by a willing buyer to a willing seller in a good faith transaction in which objectively adequate consideration is provided and neither party is compelled to enter.

Family Member means any person related as a spouse, grandparent, step-grandparent, parent, step-parent, father-in-law, mother-in-law, child, step-child, adopted child, son-in-law, daughter-in-law, grandchild, step-grandchild, brother, sister, step-brother, step-sister, brother or sister by half-blood, uncle, aunt, niece, nephew or first cousin.

Financial interest means an interest which will result in an ascertainable increase or decrease in the income or net worth of any individual or a member of that individual's immediate family, but does not include an interest:

- (1) Of an individual in the common stock of a corporation unless the combined holdings in the corporation of an individual, that individual's spouse, and that individual's dependent are more than five percent (5%) of the outstanding shares of the common stock of the corporation; or
- (2) Held as an asset in a blind trust.

Immediate family means an individual's spouse or dependent.

Gift means that which is accepted by an individual or by another on the individual's behalf, or that which is paid or given to another for or on behalf of an individual, directly, indirectly, or in trust for the individual's benefit or by any other means, for which equal or greater consideration is not given by the individual.

Among other things, a GIFT may be:

- (1) real property;
- (2) the use of real property;
- (3) tangible or intangible personal property;
- (4) the use of tangible or intangible personal property;
- (5) a preferential rate or terms on a debt, loan, goods, or services (which rate is below the customary rate and is not either a government rate available to all other similar situated government employees or public officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin);
- (6) forgiveness of indebtedness;
- (7) lodging or parking, food or beverage;
- (8) membership dues;
- (9) registration fees other than those subject to 9.34.030(b)(14);
- (10) tickets to events, performance or facilities;
- (11) services provided by persons pursuant to a professional license or certificate;
- (12) other personal services for which a fee is normally charged by the person providing the services;
- (13) any other similar service or thing having an attributable value not already provided for in this section.

GIFT does not include:

- (1) Salary, benefits, services, fees, commissions, gifts or expenses associated primarily with an individual's employment or business, or provided to the individual by the City or by an international governmental agency as a customary gift in the normal course of business, to the extent that such gift is not inconsistent with applicable Indiana statutes;
- (2) An award, plaque, certificate, or similar personalized item given in recognition of the individual's public, civic, charitable, or professional service;
- (3) An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization;
- (4) The use of a public facility or public property, made available by a governmental agency, for a public purpose;
- (5) An honorarium described under Section 9.34.040;
- (6) An expense related to an honorarium event paid to an individual or an individual's spouse or guest;
- (7) Transportation provided by a person, agency, entity or business in relation to officially approved governmental business.

Information of a confidential nature means information obtained by reason of the position or office held, and which:

- (1) A public agency is prohibited from disclosing under IC 5-14-3-4(a);
- (2) A public agency has the discretion not to disclose under IC 5-14-3-4(b) and that the agency has not disclosed.

Official(s) includes the elected Mayor and elected Clerk-Treasurer of the City.

Person means an individual or firm, proprietorship, partnership, unincorporated association, trust, business trust, group, limited liability company, or corporation, whether or not operated for profit, or a governmental entity other than the City of Columbus and its agencies.

Political activity means taking action to support an individual in his or her campaign for elected office, or soliciting contributions for a political party or another candidate for any elected public office.

Relative means any person related as a spouse, parent, step-parent, child, step-child, adopted child, son-in-law, daughter-in-law, brother, sister, step-brother, step-sister, brother or sister by half-blood, uncle, aunt, niece, or nephew.

Represent means to attend an agency proceeding, write a letter, or communicate with an official, councillor, appointee, or employee on behalf of a person.

Sanctions mean any of the following actions:

- (1) Canceling a contract, or barring a person from entering into a contract with an agency for a certain period of time;
- (2) Making restitution or disgorgement;
- (3) Revocation or suspension of a license, registration, or permit issued by an agency or barring a person from obtaining such a license, registration, or permit for a certain period of time;
- (4) Censure of an official, councillor or appointee;
- (5) Disciplinary action.

Travel expenses mean the costs of transportation, lodging, and meals. The term includes actual travel expenses or an amount approximating those expenses that would be allowed by travel policies and procedures of the City.

ARTICLE II. STANDARDS OF ETHICAL CONDUCT

Sec. 9.34.030. Gifts; favors; service, entertainment; travel expenses; waivers.

- a. An official, councillor, appointee or employee, or the immediate family thereof, shall not knowingly solicit, accept, or receive a gift, favor, entertainment, or travel expense, from a person who has a business relationship with the official's, councillor's, appointee's or employee's agency or is seeking to influence an action by the official, councillor, appointee or employee in his or her official capacity.
- b. The prohibition in subsection (a) does not apply to:
 1. Any gift, favor, entertainment, or travel expense from a person and that person's employer, that has a value of fifty dollars (\$50) or less on any one occasion and that has a cumulative value of two hundred and fifty dollars (\$250) or less, in any year between May 1 and April 30;
 2. Gifts, favors, entertainment, or travel expenses to members of the immediate family of an official, councillor, appointee or employee that the official, councillor, appointee or employee may benefit from so long as the gifts or other items of value are provided in the normal course of the immediate family member's employment or volunteer work and the purpose of which is not to influence action or inaction by the appointee or employee;

3. Any gift, favor, entertainment or travel expense from the employer of an official's, councillor's, appointee's or employee's spouse, not offered in the normal course of business and directed primarily at the spouse, but including the official, councillor, appointee or employee as a guest, that have a cumulative value of five hundred dollars or less (\$500) in any year between May 1 and April 30;
 4. Gifts, favors, entertainment, or travel expenses from relatives, or a person with whom the individual has an ongoing social relationship that existed before the official, councillor, appointee or employee was elected, appointed or employed by the City and/or agency, so long as the gifts or other items of value are paid for personally by the giver, rather than a business or political entity, and not deducted as a business expense;
 5. Gifts, favors, entertainment or travel expenses from public agencies or public institutions; however, such gifts, favors, entertainment or travel expenses shall be utilized for the benefit of the city, and not solely for the benefit of one's self or relatives;
 6. Food or beverage consumed at a public meeting to which at least six (6) individuals are invited; a meeting will be considered public if:
 - A. The event is a reception or other gathering that is not arranged to solicit government procurement of goods or services from anyone who holds a public office at the federal, state, or local level;
 - B. The official, councillor, appointee or employee is giving a speech or participating in a presentation in his or her official capacity; or
 - C. The meeting has a formal educational program that the official, councillor, appointee or employee is attending to assist him or her in performing official duties;
 7. Food, beverage, entertainment, parking, lodging, or registration fees accepted in furtherance of activities to benefit the city related to an economic development effort, including job growth or retention, an area needing redevelopment, and securing convention and visitor business, approved in advance by the mayor.
 8. Mementos or souvenirs;
 9. Political contributions subject to I.C. 3-9-2 that are reported in accordance with the law;
 10. Discount and other promotional programs made generally available and approved in advance by the city operations and finance director or the city attorney;
 11. Property accepted as a gift to the city and logged by the Clerk-Treasurer;
 12. Donations to an IRS, Section 501(c)(3) Organization, set up through a city agency;
 13. Any item of value for which face value or reasonable fair market value is promptly paid;
 14. Registration fees for a local community charitable fundraiser event;
 15. Solicitation for a charitable or non-profit agency;
 16. Reasonable and customary gifts directed to and/or shared with an agency in celebration of a Holiday (i.e. cookies, fruit, flowers, etc...).
- c. The Ethics Commission may waive application of subsection (a) of this rule in individual cases when consistent with the public interest. The waiver shall be in writing and include:
1. The name of the official, councillor, appointee or employee;
 2. The nature and estimated value of that which is being provided;
 3. The name of any person who paid a portion of that which is being provided; and

4. An explanation of why acceptance is consistent with the public interest.

Sec. 9.34.040. Honoraria.

- a. As used in this section, *honorarium* means a payment of money for an appearance, a speech or an article, but does not include payment or reimbursement of travel expenses.
- b. An official, councillor, appointee, or employee shall not personally accept an honorarium for any activity that may be considered part of his or her official duties; however, an official, councillor, appointee, or employee may accept an honorarium on behalf of the city. The official, councillor, appointee, or employee accepting the honorarium shall within twenty-one (21) days of receipt remit to the city clerk-treasurer any amount received.
- c. An official, councillor, appointee, or employee may personally accept an honorarium for activities not done in connection with his or her official duties and that are prepared on his or her own time; however, no official, appointee, or employee may accept an honorarium from a person who has a business relationship with an official, appointee, or employee of that individual's agency without prior consent from the Ethics Commission, and with a cap of seven hundred and fifty dollars (\$750) in any year between May 1 and April 30.

Sec. 9.34.050. Political activity and patronage.

- a. An appointee or employee shall not engage in political activity during their scheduled city work time, or with city resources.
- b. No official, councillor, appointee, or employee may request or compel political activity by a person under threat or promise of official action or inaction. No official, councillor, appointee, or employee may promise an appointment or employment as a reward for any political activity.
- c. A department head or director of an agency, appointees, and employees with final purchasing authority shall not solicit political contributions from persons with a business relationship with his or her agency on behalf of any candidate for elected office, unless that individual is a candidate for elected office himself or herself, and in that case, not during their scheduled city work time.
- d. It shall not be a violation of this section specifically or this chapter generally for any official, councillor, appointee, or employee:
 1. To encourage another official, councillor, appointee, or employee to work the polls in an official position; however, no appointee's appointment or employee's performance assessment or employment may be affected by an appointee's or employee's decision to work the polls; or
 2. To work the polls in an official position on city time as approved by his or her department head or director.

Sec. 9.34.060. Employment restrictions.

- a. An official, appointee, or employee shall not knowingly:
 1. Accept outside employment involving compensation of substantial value if the responsibilities of that employment:
 - A. Are inherently incompatible with the responsibilities of his or her position; or
 - B. Require the individual's recusal from matters so central or critical to the performance of the individual's official duties that the individual's ability to perform those duties would be substantially impaired;or
 2. Accept outside employment or engage in business or professional activity that would require the individual to disclose confidential information that was gained in the course of city employment.

- b. An advisory opinion from the Ethics Commission that grants approval of outside employment is conclusive proof that an individual is not in violation of subsection (a)(1) or (a)(2).

Sec. 9.34.070. Additional or excess compensation.

An official, councillor, appointee, or employee may not solicit or receive compensation:

- a. For the sale or lease of any property or service to a person with a business relationship with the councillor or an official's, appointee's, or employee's agency that substantially exceeds that which the councillor, official, appointee, or employee would charge in the ordinary course of business; or
- b. For the performance of official duties other than as provided by law.

Sec. 9.34.080. Nepotism

- a. Starting July 2, 2012, individuals who are family members may not be employed by an agency in a position that results in one (1) family member being in the direct line of supervision of the other family member.
- b. This section shall not apply to the following:
 - 1. An individual employed by an agency on or before July 1, 2012 unless the individual has a break in employment with the agency and their reemployment began after July 1, 2012. A list of all City employees employed on July 1, 2012 is attached hereto and incorporated herein as **Attachment A**. A break in employment does not include:
 - A. An employee that is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation.
 - B. An individual's employment with an agency that is terminated followed by immediate reemployment by the agency, without loss of payroll time.
 - 2. An employee of an agency who is employed prior to the date a relative begins serving a term as an official, councillor or appointee, and results in the employee being in the direct line of supervision of the official, councillor or appointee. Said employee may continue his/her employment or hold his/her rank. However, said employee may then not:
 - A. Be promoted to a new position; or
 - B. Be promoted to a position that is not within the merit ranks of the Columbus Police Department or Columbus Fire Department;

If the new position would place the employee in the direct line of supervision of a relative.

- c. All officials and councilors shall annually certify in writing, by December 31 of each year, compliance with the City's Nepotism Policy.

Sec. 9.34.090. Conflicts of interest; discussion, decisions, and voting.

- a. At a meeting held in accordance with IC 5-14-1.5, an official or councillor shall not participate in any decision or vote, and an appointee or employee shall not participate in any discussion, decision, or vote, if he or she has knowledge that any of the following has a financial interest in the outcome of the decision or vote:
 - 1. The official, councillor, appointee, or employee;
 - 2. A member of the immediate family of the official, councillor, appointee, or employee;
 - 3. A business organization in which the official, councillor, appointee, or employee is serving as an officer, a director, a trustee, a partner, employee, or subcontractor; or

4. Any person with whom the official, councillor, employee, or appointee is negotiating or has an arrangement concerning prospective employment.
- b. An official, councillor, appointee, or employee who identifies a potential conflict of interest under this article shall recuse himself or herself from further action on the matter, and may seek an advisory opinion from the Ethics Commission by filing a written description detailing the nature and circumstances of the matter and making full disclosure of any related financial interest in the matter.
- c. When an advisory opinion is sought under this section, the Ethics Commission or its designee shall:
 1. Implement all necessary procedures to screen the official, councillor, appointee, or employee seeking an advisory opinion from involvement in the matter; or
 2. Make a written determination whether the interest is so substantial that the Ethics Commission considers it likely to affect the integrity of the services that the city expects from the official, councillor, appointee, or employee.
- d. A written determination under subsection (c)(2) shall be filed with the office of the city attorney, and constitutes conclusive proof whether the potential conflict of interest is a violation of this chapter.

Sec. 9.34.100. Conflicts of interest; contracts.

- a. Subject to subsection (b), an official or councillor, appointee, or employee; or a member of an official's, councillor's, appointee's, or employee's immediate family; or a relative of an official or councillor, may not knowingly have a financial interest in a contract made by that official's, councillor's, appointee's, or employee's agency.
- b. The prohibition in subsection (a) does not apply to:
 1. An official, councillor, appointee, or employee who does not participate in or have official responsibility for any of the activities of the contracting agency, if:
 - A. The contract is made after public notice or, where applicable, through competitive bidding or any other requirements under I.C. 5-22 or I.C. 36-1-21;
 - B. The agency makes a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered, or makes a certified statement of the reasons why the vendor or contractor was selected, as required by I.C. 36-1-21 *et. seq.*, Contracting with a Unit;
 - C. The official, councillor, appointee, or employee files with the Ethics Commission and office of the city attorney a Uniform Conflict of Interest Disclosure Statement (State form 54266 (R/ 6-12 / Form 236) or its amended form, as required by I.C. 35-44.1-1-4 *et. seq.* and I.C. 36-1-21, *et. seq.*, making full disclosure of all related financial interests in the contract;
 - D. The contract can be performed without compromising the performance of the official duties and responsibilities of the official, councillor, appointee, or employee; and
 - E. In the case of a contract for professional services, the department head or director of the contracting agency makes and files a written certification with the Ethics Commission and office of the city attorney that no other official, councillor, appointee, or employee of that agency is available to perform those services as part of his or her regular duties;

or

2. An official, councillor, appointee, or employee who, acting in good faith, learns of an actual or prospective violation of the prohibition in subsection (a), provided that, not later than thirty (30) days after learning of the actual or prospective violation, the official, councillor, appointee, or employee makes a full written disclosure of any financial interests to the contracting agency, the Ethics Commission and the office of the city attorney, and terminates the financial interest.
- c. All officials, councillors, and appointees shall complete a Uniform Conflict of Interest Disclosure Statement (State form 54266 (R/ 6-12 / Form 236) or its amended form, on an annual basis no later than January 31, and submit said form to the city attorney and Ethics Commission. Employees shall submit them on an as needed basis.
- d. All officials and councilors shall annually certify in writing, by December 31 of each year, compliance with contract disclosure as required pursuant to Indiana Code 36-1-21-6.
- e. This section does not affect the initial term of a contract in existence at the time the term of office of an official or councillor begins.

Sec. 9.34.110. Benefiting from or divulging confidential information.

- a. An official, councillor, appointee, employee, former official, former councillor, former appointee, or former employee shall not materially benefit from information of a confidential nature except as permitted by law.
- b. An official, councillor, appointee, or employee shall not divulge information of a confidential nature except as permitted by law.

Sec. 9.34.120. Use of city property.

An official, councillor, appointee, or employee shall not use city property or personnel for any purpose other than for official city business or as allowed under the city's de minimis personal use policy; however, nothing in this Ethics Ordinance shall prohibit the use of take home vehicles for the Columbus Police Department officers and Columbus Fire Department officials or other city employees as provided by approved policy.

Sec. 9.34.130. Complicity with another's violation.

It shall be a violation of this chapter knowingly to induce, encourage, or aid, either directly or indirectly, anyone to violate any provision of this article.

Sec. 9.34.140. Complaints filed in bad faith.

It shall be a violation of this chapter to file in bad faith a complaint with the Ethics Commission against another person.

ARTICLE III. REVIEW OF ETHICAL CONDUCT

DIVISION 1. GENERAL PROVISIONS

Sec. 9.34.170. Agency policies.

An agency may adopt more specific ethics policies tailored to the needs and practices of that agency, provided that the policies do not conflict with, and are at least as strict as, this chapter. All such policies shall be subject to the review and approval of the city attorney where they shall be filed if approved.

Sec. 9.34.180. Training requirements.

- a. All officials, councilors, appointees, employees, and Ethics Commission members shall be properly trained in the ethics ordinance as described in this chapter. Such training shall also

include a review of criminal offenses against public administration (IC 35-44-1), the Access to Public Records Act (IC 5-14-1.5) and the Open Door Law (IC 5-14-3).

- b. The office of the city attorney and/or designees from the Ethics Commission shall prepare and administer the training required by this section with the assistance of the human resources division. Each agency's department head or director shall:
 - 1. Require all new appointees and employees to participate in ethics training within twelve (12) weeks of the appointee's appointment date and the employee's starting employment with the agency; and
 - 2. Require all appointees and employees to participate in ethics training at least every two (2) years during appointee's and employee's tenure with the agency.
- c. Each official, councillor, and appointee not covered under (b) shall participate in ethics training within twelve (12) weeks of starting their position.
- d. Each Ethics Commission member shall participate in ethics training within (12) weeks of accepting the appointment, and may not officially take the seat on the Commission until the member has completed the training.
- e. The office of the city attorney and/or the City Clerk-Treasurer's office shall maintain documentation to demonstrate appointee's and employee's compliance with subdivisions (1) and (2) of subsection (b) of this section and official's and councillor's compliance with subdivision (c) of this section.
- f. At no time shall a lack of participation in training be a defense to a violation of this Ordinance.

Sec. 9.34.190. Advisory opinions.

- a. An advisory opinion from the Ethics Commission may be requested by:
 - 1. An official, councillor, appointee, employee, or former official, councillor, appointee or employee; or
 - 2. A person with a business relationship with an agency.
- b. Requests for an advisory opinion shall be in writing, signed by the person making the request, and designated an "Inquiry." The Inquiry shall state the official status of the person making the request and all material facts necessary for the Ethics Commission or its designee to understand the circumstances and render a complete advisory opinion. The Inquiry, if requested by someone under subsection (a)(1) or (a)(2), must relate specifically to that person.
- c. All advisory opinions shall be issued in writing, designated as an *Official Advisory Opinion*, signed by the Ethics Commission members or its designee, and shall be conditioned upon the following:
 - 1. The facts and circumstances as they actually exist; and
 - 2. All of the relevant facts and circumstances related to the advisory opinion have been disclosed.
- d. Any individual directly affected by the advisory opinion may seek written clarification of the advisory opinion from the Ethics Commission or its designee. Any such request for clarification shall be made in writing to the Ethics Commission.
- e. Any individual directly affected by the advisory opinion may appeal to the Ethics Commission for reconsideration of the advisory opinion. Any such appeal shall be made in writing.
- f. If an individual who has requested an advisory opinion has been advised that certain action or inaction will lead to a violation of this chapter and has failed to comply after having been given a reasonable opportunity to do so, the Ethics Commission may review the matter to determine compliance with the advisory opinion and, in executive session, vote to initiate an investigation.

- g. An individual who relies on an advisory opinion is not subject to sanctions with respect to that subject matter.
- h. The Ethics Commission on at least a quarterly basis may publish for distribution on the city website, the accumulated advisory opinions with the names, and other information deemed necessary to protect the identities of persons, removed in a format explaining the facts, the question, and the opinion. However, these opinions constitute advisory or deliberative material that are expressions of opinion used for decision-making, and are therefore not subject to mandatory disclosure under I.C. 5-14-3-4(6).

DIVISION 2. CITY ETHICS COMMISSION

Sec. 9.34.250. Establishment and purpose.

There hereby is established the City Ethics Commission. The purpose of the Ethics Commission is promptly to resolve matters within its jurisdiction and to provide certainty in the event of perceived ambiguity of this chapter. The Ethics Commission shall, at all times, approach matters before it with judicial temperament and it shall always act in accordance with the purposes of this chapter as stated in Section 9.34.010.

Sec. 9.34.260. Established, Appointment, terms, and qualifications of members.

- a. The Ethics Commission has jurisdiction over current and former officials, current and former councillors, current and former appointees, and current and former employees for acts or omissions during their elected term, appointment or employment. The Ethics Commission shall be composed of five (5) members who must be residents of the City.
- b. At no time may a member be:
 - 1. An official, councillor, appointee, or employee;
 - 2. A declared candidate for elected office for a City or Bartholomew County position or seat;
 - 3. An elected or appointed person in a governmental Bartholomew County position;
 - 4. An officer or employee of any political party; however, this shall not include an individual who is elected or appointed to serve as a delegate to a party convention; or
 - 5. A person with a business relationship, or whose employer has a business relationship, with an agency or a person who intends to have a business relationship with an agency.
- c. Appointments to the Ethics Commission shall be made as follows:
 - 1. The President of IUPUC shall appoint one member for an initial term of one year.
 - 2. The Board of Directors of the Columbus United Way shall appoint one initial member for a term of two years.
 - 3. The Board of Directors of the Columbus Chamber of Commerce shall appoint an initial member for a term of one year.
 - 4. The Chief Executive Officer of the largest for-profit employer in the City shall appoint one initial member for a period of two years.
 - 5. The four appointees shall designate a fifth member who shall serve an initial term of one year. The fifth member shall not be an employee from IUPUC, United Way, Columbus Chamber of Commerce or the largest for-profit employer in the city.
- d. Each appointment shall be made for a term starting on January 1 and ending on December 31st of the year the term is over; however, each member shall serve until his or her successor is duly appointed and qualified. A member appointed to fill a vacancy shall serve for the duration of the unexpired term.
- e. The initial terms of the five (5) members of the Ethics Commission shall be staggered, as follows: The IUPUC, Chamber of Commerce and designated fifth member appointment terms shall end on December 31, 2014; the United Way and largest for-profit employer appointment terms shall end on December 31, 2015.

- f. Thereafter, all appointing bodies shall make appointments for a period of two years. No individual shall serve for a period of more than three consecutive two year terms.
- g. Not more than three (3) of the five (5) members may be affiliated with the same political party.
- h. A member may be removed only upon the two-thirds majority vote of the city council.
- i. The Mayor shall appoint an attorney, approved by Common Council, to serve as legal counsel for the Ethics Commission. Legal counsel for the Ethics Commission shall advise, investigate for, assist and counsel the Ethics Commission as necessary, but he or she is not a member of the Ethics Commission.
- j. Members of the Ethics Commission shall serve without compensation.
- k. Board Expenses: All Board expenses shall be borne by the budget of the Common Council and shall not exceed \$1,000 per year unless specially approved in advance by the Common Council.

Sec. 9.34.270. Officers; quorum; meetings.

- a. At the first January meeting of every year, the Ethics Commission shall annually elect a Chairperson (who cannot succeed himself/herself in that position), a Vice Chairperson and a Secretary from amongst the current Commission members.
- b. A quorum for the conduct of official action by the Ethics Commission shall be three (3) members.
- c. The Ethics Commission shall meet at the call of the chairperson or of three (3) members of the Ethics Commission, but shall meet, at a minimum, on a quarterly basis. Meetings of the Ethics Commission shall be held in accordance with IC 5-14-1.5 and as further provided in this chapter.

Sec. 9.34.080. Jurisdiction.

- a. The Ethics Commission has jurisdiction over officials, councillors, appointees, employees, persons with a business relationship with any agency, and individuals filing complaints before the Ethics Commission with respect to suspected violations of Article II and Article III, of this ordinance.
- b. The Ethics Commission does not have jurisdiction over the following:
 - 1. Complaints filed more than two (2) years after the date of the suspected violation;
 - 2. Suspected violations of agency policies not addressed within the Ethics Ordinance; or
 - 3. An alleged violation occurring outside the scope of, or having no relation to, an official, councillor, appointee, or employee's employment with the city. . .
- c. A complaint or investigation before the Ethics Commission may be stayed if the matter is subject to pending litigation or notice by law enforcement that a criminal investigation is underway, or if there is a separate disciplinary proceeding pending.

Sec. 9.34.290. Powers.

- a. The Ethics Commission, or its designee, may:
 - 1. Consider complaints filed with the Ethics Commission;
 - 2. Issue Advisory Opinions;
 - 3. Consider an appeal or reconsideration of an advisory opinion;

4. Issue subpoenas for witnesses and documents, or empower the city attorney's office to subpoena witnesses and documents;
 5. Order discovery to aid in investigations and hearings under this Chapter;
 6. Review, and provide future direction on, any gift waiver, post-employment waiver, or advisory opinion; and
 7. Review any Uniform Conflict of Interest Disclosure Statement, Disclosure of Relative's Contract with Municipality, or Certification regarding compliance with Nepotism Policy filed by officials, councillors, appointees, employees, and former officials, councillors, appointees, and employees; and
 8. Adopt, amend and rescind rules and regulations to effectuate the purposes of this Chapter and to specify procedures deemed necessary for the orderly and equitable disposition of complaints and opinions as provided under section 9.34.300.
- b. The city attorney's office shall provide counsel to the ethics commission as deemed appropriate by the ethics commission.

Sec. 9.34.300. Adopting, Amending and Rescinding Rules and Regulations

The Ethics Commission, after the holding of a public hearing and receiving comment on the proposed rules regarding the process and procedures to carry out the Ethics Ordinance, may adopt, amend or rescind uniform rules of procedure to implement Chapter 9.34. The rules and regulations of the Ethics Commission shall be available to the public and copies of said rules and regulations of the Ethics Commission shall be on file in the Clerk-Treasurer's office.

Sec. 9.34.310. Complaint process—filing and review by Ethics Commission Attorney.

- a. Any individual may file a complaint. The complaint shall be in writing and signed by the complainant. The complaint shall state the nature of the alleged violation, the date, time and place of each occurrence, and name of the individual charged with the violation, referred to as the respondent.
- b. Complaints shall be filed with the Ethics Commission attorney, who shall promptly provide a copy to any persons against whom a violation is alleged. Said person/respondent shall have the option to respond in writing if he/she so chooses.
- c. Within thirty (30) days after receipt of a complaint, the Ethics Commission attorney shall conduct a preliminary investigation. The Ethics Commission attorney may request that the Ethics Commission extend the time for the completion of such preliminary investigation. If the Ethics Commission determines that such extension is necessary or desirable and would not be prejudicial to the person against whom a violation is alleged, the Ethics Commission shall grant the extension. If the Ethics Commission determines that the preliminary investigation must be completed in less than thirty (30) days in order to avoid prejudice or irreparable harm to the person against whom a violation is alleged, the Ethics Commission shall order the Ethics Commission attorney to complete the preliminary investigation in a shorter period of time, and the Ethics Commission attorney shall comply.
- d. If the Ethics Commission attorney determines that the complaint alleges violations of criminal acts, the Ethics Commission attorney shall promptly refer the complaint to an appropriate law enforcement agency and the matter may be stayed pending direction from the law enforcement agency.
- e. If the Ethics Commission attorney determines that the complaint alleges violations which subject the person to disciplinary action by an agency, the attorney will notify the department head or director of the person's agency and may stay the ethics investigation pending completion of a

disciplinary proceeding.

- f. If the Ethics Commission attorney determines, after preliminary investigation, that there are no reasonable grounds to believe that a violation has occurred, the Ethics Commission attorney shall dismiss the complaint. If the Ethics Commission attorney dismisses the complaint, he or she shall do so in writing, setting forth the facts and the provisions of law upon which the dismissal is based, and provide copies of the written dismissal to the complainant, to the individual charged with the violation, and to the members of the Ethics Commission. The complainant shall have the right to appeal the decision of the Ethics Commission attorney.
- g. The Ethics Commission attorney shall refer the complaint to the Ethics Commission if, after a preliminary investigation, the Ethics Commission attorney does not:
 - 1. Ask for additional time to conduct a more extensive investigation pursuant to subsection (c);
 - 2. Refer the matter to law enforcement pursuant to subsection (d);
 - 3. Refer the matter to an agency department head or director pursuant to subsection (e), or
 - 4. Dismiss the complaint pursuant to subsection (f).

Sec. 9.34.320. Same—complaints referred to the Ethics Commission.

- a. When a complaint is referred by the Ethics Commission attorney, the Ethics Commission may, by majority vote:
 - 1. Reject, without further proceedings, a complaint that the Ethics Commission considers frivolous or inconsequential;
 - 2. Reject, without further proceedings, a complaint that the Ethics Commission is satisfied has been dealt with appropriately by an official, law enforcement agency or an agency department head or director;
 - 3. Determine that the complaint does not allege facts sufficient to constitute a violation of this chapter and dismiss the complaint; or
 - 4. Forward a copy of the complaint to an appropriate official or the department head or director of an agency for action and either stay the Ethics Commission's proceedings pending the other action or dismiss the action without prejudice.
- b. If a complaint is not disposed of under subsection (a):
 - 1. The Ethics Commission may refer the alleged violation for additional investigation by the Ethics Commission attorney; or
 - 2. If the Ethics Commission finds by a majority vote that probable cause exists to support an alleged violation, it shall set a public hearing on the matter. The respondent shall be notified within thirty (30) days of the Ethics Commission's determination. The hearing shall take place within sixty (60) days of the respondent being notified of the probable cause determination.
- c. If a hearing is to be held, the respondent shall be afforded appropriate due process protection, including the rights to be represented by counsel, to discovery, to call and examine witnesses, to introduce exhibits, and to cross-examine opposing witnesses.

Sec. 9.34.330. Decision of the Ethics Commission.

- a. After the hearing, if the Ethics Commission finds by a majority vote that the respondent has not violated this chapter, it shall dismiss the charges through a report.

- b. If the Ethics Commission based on a preponderance of the evidence, finds by a majority vote that the respondent has violated this chapter, the Ethics Commission shall issue a report of its findings of fact and conclusions of law, as well as any recommendations for sanctions or penalties to be imposed on the respondent.
- c. The Ethics Commission shall take into account as it determines the appropriate remedy, and specifically address in its report or the agreed settlement, any voluntary remedial action as addressed by Section 9.34.390 by the respondent.
- d. Such report shall be in writing, supported and signed by a majority of the Ethics Commission members, and made public. Such report shall be presented to the respondent, the mayor, and the Common Council. Such report may be presented to the county prosecutor, city attorney, or any other appropriate person.

Sec. 9.34.340. Agreed settlements.

- a. The Ethics Commission may resolve complaints or investigations through agreed settlements with respondents.
- b. In negotiations to settle under this section, the Ethics Commission attorney or a designee of the Ethics Commission ("negotiator") will negotiate on behalf of the Ethics Commission. At an informal conference to negotiate, no record shall be made, and no statement made by any person at such conference shall be used as evidence in any subsequent public hearing or proceeding.
- c. If the respondent and the negotiator concur that such an agreement would be appropriate, they may submit a proposal to the Ethics Commission for its approval or disapproval by majority vote. Such proposal shall be in writing, and may include a recommendation of any sanctions that the respondent has agreed to accept. If the proposal is submitted prior to a vote of the Ethics Commission that probable cause exists to support an alleged violation, the Ethics Commission vote on approval or disapproval of the agreement shall be in executive session unless the respondent has waived confidentiality. If the proposal is submitted after the Ethics Commission has voted that probable cause exists to support an alleged violation, the vote on approval or disapproval of the agreement shall be taken at an open meeting.
- d. If the Ethics Commission disapproves the proposal, the Ethics Commission shall proceed as provided in Section 9.34.320. If the Ethics Commission approves the proposal, the agreement shall be signed by the respondent and by a majority of the Ethics Commission members, shall be open to public inspection as a public record.
- e. In order to be a valid and binding agreement, an agreed settlement shall be approved by the agency department head or director that employs the respondent if any of the terms of the settlement agreement would limit the agency's legal authority or legal discretion to implement disciplinary action against the respondent.

Sec. 9.34.350. Report of action taken by department head or director of an agency.

Whenever a department head or director of an agency receives a report under Section 9.34.330, the department head or director of an agency shall, at the request of the Ethics Commission, report to the Ethics Commission the action taken in response to the report. The Ethics Commission may require in the report that the department head or director of an agency submit the response required by this section in a reasonable, specified amount of time.

Sec. 9.34.360. Unlawful interference with Ethics Commission activities.

- a. It shall be unlawful for an individual to do any of the following:
 - 1. Knowingly or intentionally induce or attempt to induce, by threat, coercion, suggestion, or false statement, a witness or informant in an Ethics Commission proceeding or investigation to do any of the following:

- A. Withhold or unreasonably delay the production of any testimony, information, document, or thing;
 - B. Avoid legal process summoning an individual to testify or supply evidence;
 - C. Fail to appear at a proceeding or investigation to which an individual has been summoned; or
 - D. Make, present, or use a false record, document, or thing with the intent that the record, document, or thing appear in an Ethics Commission proceeding or investigation to mislead a member or employee of the Ethics Commission;
- 2. Alter, damage, or remove a record, document, or thing except as permitted or required by law, with the intent to prevent the record, document, or thing from being produced or used in an Ethics Commission proceeding or investigation conducted pursuant to this chapter; or
 - 3. Make, present, or use a false record, document, or thing with the intent that the record, document, or thing appear in an Ethics Commission proceeding or investigation to mislead a member of the Ethics Commission.
- b. A person, who is not an official, councillor, appointee, or employee, and who violates this section is subject to the penalties provided by Section 9.34.410(b)(2) of this Code.

Sec. 9.34.370. Disclosure requirements – public records.

- a. Except as otherwise required by state or federal law, the following provisions for disclosure shall apply.
 - 1. *Advisory Opinions.* Except as allowed by Section 9.34.190(h), advisory opinions under Section 9.34.190 shall be withheld from disclosure by the office of the city attorney, clerk-treasurer and/or the Ethics Commission, as authorized by IC 5-14-3-4(b).
 - 2. *Investigative Records.* Records pertaining to an investigation by the Ethics Commission or designee of the Ethics Commission, that are not used as evidence against the respondent, may be kept confidential pursuant to IC 5-14-3-4(b).
 - 3. *Complaints.* A complaint that is filed with the Ethics Commission, prior to the Ethics Commission finding probable cause, shall be withheld from disclosure as authorized by IC 5-14-3-4(b). A complaint filed with the Ethics Commission, after the Ethics Commission finds probable cause exists, shall be open for public inspection.
 - 4. *Evidence.* Evidence received at an Ethics Commission hearing, after the Ethics Commission finds that probable cause exists, shall be open for public inspection.
 - 5. *Decision.* Decisions under Section 9.34.330 shall be open for public inspection.
- b. Notwithstanding subsection (a), records may, as otherwise permitted by law, be open for public inspection if the respondent elects to have information disclosed and the Ethics Commission determines it is in the public interest to do so, or if the Ethics Commission in its sole determination finds it is in the public interest to do so.

Sec. 9.34.380. Same – public meetings.

Proceedings of the Ethics Commission shall be held in accordance with IC 5-14-1.5; however, prior to the Ethics Commission finding probable cause, a proceeding shall be held in executive session, pursuant to IC 5-14-1.5-6.1, unless the individual who filed the complaint or a person who is directly affected by the complaint requests a public hearing at least ten (10) days in advance.

ARTICLE IV. VIOLATIONS AND ENFORCEMENT

Sec. 9.34.400. Voluntary remedial actions.

Violations of any provision of this chapter should raise conscientious questions for the official, councilor, appointee, or employee concerned as to whether resignation, compensatory action, or a sincere, public apology is appropriate to promote the best interests of the city and to prevent the costs of an investigation and hearings by the Ethics Commission.

Sec. 9.34.410. Violations and penalties.

- a. In general: Failure to comply with any provision of this chapter shall be a violation of this chapter.
- b. Sanctions and Penalties: Anyone found in violation of this chapter shall be subject to:
 1. Sanctions that may be imposed upon recommendation by the Ethics Commission; and/or
 2. A penalty of up to \$250.00 for each offense; each day that a violation occurs shall be considered a separate offense. A monetary penalty under this Ethics Ordinance shall be subject to the proceedings and collection as set forth under Columbus Municipal Code 2.64, Ordinance Violations Bureau.

Sec. 9.34.420. Whistleblower protection.

- a. A current or former official, councilor, appointee, or employee shall not retaliate or threaten to retaliate against any individual because the individual did, or is expected to do, any of the following:
 1. File a complaint with the Ethics Commission;
 2. Provide information to the Ethics Commission, the Ethics Commission attorney, or the Ethics Commission designee ; or
 3. Testify at an Ethics Commission proceeding.
- b. Any individual taking any of the actions listed in subsection (a)(1-3), shall do so based upon good faith and shall not knowingly or recklessly file a frivolous complaint or provide false information or testimony.

Sec. 9.34.430. Miscellaneous provisions.

- a. The provisions of Section 9.34.090 shall not apply to family members who, on or before July 1, 2012 held positions in the same agency.
- b. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.
- c. In the event that the terms of this chapter are in conflict with any state law or ruling of a state agency, such law, rule, regulations and/or ruling of the state agency shall supersede the terms of this chapter.
- d. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION II. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed.

SECTION III. The adoption of the Ethics Ordinance shall be in full force and effect from and after its passage and approval as provided by Ind. Code § 36-3-4-14, and starting July 1, 2013. No alleged violations prior to July 1, 2013 shall be considered by the Ethics Commission.

ADOPTED BY THE COMMON COUNCIL OF THE CITY OF COLUMBUS, INDIANA, on this the _____ day of March, 2013, by a vote of _____ ayes and _____ nays.

Kristen Brown, Mayor
Presiding Officer of the Common Council

ATTEST:

Clerk of the Common Council of Columbus, Indiana
Luann Welmer

Presented by me to the Mayor of Columbus, Indiana, this _____ day of March, 2013 at _____ o'clock _____.m.

Luann Welmer
City of Columbus, Clerk-Treasurer

Approved and signed by me this _____ day of March, 2013 at _____ o'clock _____.m.

Kristen Brown
Mayor of the City of Columbus, Indiana